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No. 1] NEW DELHI, SATURDAY, JANUARY 3, 1987/PAUSA 13, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)

PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence)

गृह मंत्रालय

(मान्तरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

अधिसूचनाएं

नई दिल्ली, 17 दिसम्बर, 1986

का. प्रा. 1.—केन्द्रीय सरकार की यह राय है कि मध्य प्रदेश, बिहार, उड़ीसा, पंजाब, हरियाणा, गुजरात, महाराष्ट्र, आन्ध्र प्रदेश, तमिलनाडु, कर्नाटक, केरल, राजस्थान, उत्तर प्रदेश राज्यों तथा दिल्ली संघ राज्यक्षेत्र में, उपायय अनुसूची में विनिर्दिष्ट, निष्कांत सम्पत्तियों का सार्वजनिक हित के लिए प्रजनन करना आवश्यक है। इस प्रयोजन का संबंध विस्थापित व्यक्तियों के राहत और पुनर्वास से है जिसमें ऐसे व्यक्तियों को प्रतिकर का संदाय करना भी है।

अतः, विस्थापित व्यक्ति (प्रतिकर और पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 12 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह अधिसूचना किया जाता है कि केन्द्रीय सरकार ने उपायय

अनुसूची में विनिर्दिष्ट निष्कांत सम्पत्तियों का प्रजनन करने का विनिश्चय किया है और उक्त सम्पत्तियों का प्रजनन करती है।

अनुसूची

मध्य प्रदेश, बिहार, उड़ीसा, पंजाब, हरियाणा, गुजरात, महाराष्ट्र, आन्ध्र प्रदेश, तमिलनाडु, कर्नाटक, केरल, राजस्थान, उत्तर प्रदेश के राज्यों तथा दिल्ली संघ राज्य क्षेत्र में सभी निष्कांत सम्पत्तियों जो विभाजन में अभिरक्षक के हिस्से में प्राप्ति हुई है या निष्कांत हित पृथक्करण अधिनियम, 1951 के उपबन्धों के अधीन सशम अधिकारी के न्याय निर्णयन के परिणामस्वरूप, उक्त अधिनियम की धारा 9.11 के अन्तर्गत 30 जून, 1986 तक, अभिरक्षक में निहित हो गई है अथवा उक्त अधिनियम की धारा 9 की उपधारा (2) के अधीन बंधक को निर्वाचन पर 30 जून, 1986 तक, अभिरक्षक में प्रत्यक्षा निहित हो गई है, और जिनकी बाबत कोई प्रवील फाइल नहीं की गयी है, और यदि की गयी है तो उन्हें प्रवील अधिकारी द्वारा रद्द कर दिया गया है।

[संख्या 12 (1)/83-एन एस-1]

मुहम्मद असलम, उप सचिव

MINISTRY OF HOME AFFAIRS
(Department of Internal Security)
(Rehabilitation Division)

NOTIFICATIONS

New Delhi, the 17th December, 1986

S.O. 1.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the States of Madhya Pradesh, Bihar, Orissa, Punjab, Haryana, Gujarat, Maharashtra, Andhra Pradesh, Tamil Nadu, Karnataka, Kerala, Rajasthan, Uttar Pradesh and Union Territory of Delhi for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

SCHEDULE

All evacuee properties in the States of Madhya Pradesh, Bihar, Orissa, Punjab, Haryana, Gujarat, Maharashtra, Andhra Pradesh, Tamil Nadu, Karnataka, Kerala, Rajasthan, Uttar Pradesh and Union territory of Delhi which have been allotted to the share of Custodian in partition on have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951 as a result of adjudication by the Competent Officer under the provisions of the said Act upto 30th June, 1986 or which have otherwise vested in the Custodian as a result of extinguishment of the mortgage under sub-section (2) of section 9 of the said Act, upto 30th June, 1986, and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer.

[No. 12(1)/83-SS.I]

M. ASLAM, Dy. Secy.

रिक्त स्थान

(राजस्व विभाग)

नई दिल्ली, 20 दिसम्बर, 1986

(आयकर)

का.पा. 2.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ "श्री हरिलाल महराज अन्नम" को पुरातत्वीय महत्व के स्थान के रूप में अधिसूचित करती है।

[सं. 6974 (फा.सं. 176/51/86-आ.क.-नि-1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 20th October, 1986

INCOME-TAX

S.O. 2.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 80-G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sree Iringannore Maha Siva Kshetram" Calicut to be a place of archeological importance for the purposes of the said clause.

[No. 6974 (F. No. 176/51/86-IT-A1)]

नई दिल्ली, 13 दिसम्बर, 1986

(आयकर)

का.पा. 3.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23अ) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ "श्री जैन श्वेताम्बर मण्डल, भद्रावती (महाराष्ट्र)" को कर निर्धारण वर्ष 1986-87 से 1987-88 के लिए अधिसूचित करती है।

[सं. 7003 (फा.सं. 197/153/86-आ.क.-नि-1)]

New Delhi, the 13th November, 1986

INCOME-TAX

S.O. 3.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Jain Shwetamber Mandal, Bhadrawati (Maharashtra)" for the purpose of the said clause for the assessment years 1986-87 to 1987-88.

[No. 7003 (F. No. 197/153/86-IT-A1)]

नई दिल्ली, 28 नवंबर, 1986

आयकर

का.पा. 4.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (i) के खंड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खंड के प्रयोजनार्थ निम्नलिखित ऋण पत्रों को विनिवृत्त करती है, अर्थात्:—

इंडियन पेट्रो कैमिकल्स कारपोरेशन लि., बड़ोदा द्वारा जारी किए गए 7 वर्षीय "1986 आई.पी.सी.एन.-14% प्रायोजन योग्य अर्थात्-वर्तनीय बॉन्ड्स"

[सं. 7022 (फा.सं. 178/172/86-आ.क.-नि-1)]

New Delhi, the 26th November, 1986

INCOME-TAX

S.O. 4.—In exercise of the powers conferred by clause (ii) of sub-section (1) of Section 80-L of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the following debentures for the purposes of the said clause, namely:—

7 year "1986 IPCL-14 per cent Secured Redeemable Non-convertible Bonds" issued by the Indian Petro-Chemical Corporation Limited, Baroda.

[No. 7022 (F. No. 178/172/86-IT-A1)]

नई दिल्ली, 28 नवंबर, 1986

आयकर

का.पा. 5.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (17) के खंड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त खंड के प्रयोजनार्थ एतद्वारा उत्तर प्रदेश राज्य की विधायिका के सदस्यों द्वारा प्राप्त किए गए छः सौ रुपये प्रतिमाह की राशि तक को "निर्धारित क्षेत्र मत्त" अधिसूचित करती है।

2. यह अधिसूचना 1 अप्रैल, 1986 के प्रथम दिवस से लागू होगी।

[सं. 7024 (फा.सं. 200/102/86-आ.क.-नि-1)]

रोशन सहाय, धनर सचिव

New Delhi, the 28th November, 1986

INCOME-TAX

S.O. 5.—In exercise of the powers conferred by clause (ii) of sub-section (17) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Nirwahan Kshetra, Bhatta', (Constituency Allowance) received by the Members of the Uttar Pradesh State Legislative to the extent of Rupees six hundred per month for the purposes of the said clause.

2. This notification shall have effect from the first day of April, 1986.

[No. 7024 (F. No. 200/108/86-IT-AD)]

ROSHAN SAHAY, Under Secy.

नई दिल्ली, 30 अक्टूबर, 1986

भा.प्र.

का. प्र. 6 :—इस कार्यालय की दिनांक 12-5-85 की अधिसूचना सं. 6219 (का. सं. 203/70/85—प्र. क. नि. II) के विवरण में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खंड (II) (पैतीस/एक/बो) प्रयोजनों के लिए "संगम" प्रबन्ध के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (1) यह कि एस पी एग्रिकल्चरल रिसर्च एण्ड डेवलपमेंट फाउण्डेशन, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (2) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्रकरण में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिसूचित किया जाए और उसे सूचित किया जाए।
- (3) यह कि उक्त संगम अपनी कुल आय तथा व्यय वशाते हुए अपने संपरीक्षित वार्षिक लेखों का तथा अपनी परिसंस्थितियों, देयदारियों वशाते हुए तुल्य-पक्ष की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।
- (4) यह कि उक्त संगम केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली की अनुमोदन की समाप्ति से तीन माह पूर्व आरंभिक बट्टा देने के लिए आवेदन करेगा; आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पक्ष रद्द कर दिया जाएगा।

संस्था

"एस पी एग्रिकल्चरल रिसर्च एण्ड डेवलपमेंट, फाउण्डेशन आदर्श हाउसिंग सोसायटी, क्रॉस रोड नं. 1 मलाड़, बम्बई—400064"

यह अधिसूचना 1-1-1986 से 31-3-1986 तक की अवधि के लिए प्रभावी है।

[सं. 6986 (फा. सं. 203/201/85—प्र. क. नि. -II)]

ए. के. फोतेदार, अवर सचिव

New Delhi, the 30th October, 1986

INCOME-TAX

S.O. 6.—In continuation of this Office Notification No. 6219 (F. No. 203/70/85-IT-A-II) dated 13-5-85, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of section 35 (Thirty five/one/two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) That the Aspee Agricultural Research and Development Foundation, Bombay will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance, (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Aspee Agricultural Research and Development Foundation, Adarsh Housing Society, Cross Road No. 1, Malad, Bombay-400064.

This Notification is effective for a period from 1-1-86 to 31-3-1988.

[No. 6986 (F. No. 203/201/85-IT-A-II)]

A. K. FOTEDAR, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1986

आयकर

का. प्र. 7 :—इस कार्यालय की दिनांक 10-9-84 की अधिसूचना सं. 203/151/84—प्र. क. नि.-II) के विवरण में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग नई दिल्ली ने निम्नलिखित संस्थान को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (2) (पैतीस/एक/बो) के प्रयोजनों के लिए "संस्था" प्रबन्ध के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (1) यह कि कामायनी उद्योग केन्द्र सोसायटी, पुणे अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (2) यह कि उक्त सोसायटी अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्रकरण में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिसूचित किया जाए और उसे सूचित किया जाए।

(3) यह कि उक्त सोसायटी अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र को एक-एक प्रति प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

(4) यह कि उक्त सोसायटी केन्द्रीय प्रत्यक्ष कर बोर्ड, जिन मंत्रालय (राजस्व विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि के बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

"कामायनी उद्योग केन्द्र सोसायटी, 'कामायनी' 1187/64, शिवाजी नगर, पुणे—411005"।

यह अधिसूचना 1-4-1986 से 31-3-87 तक की अवधि के लिए प्रभावी है।

[सं. 6991 (फा. सं. 203/133/85—आ. क.-नि-II)]

New Delhi, the 31st October, 1986

INCOME-TAX

S.O. 7.—In continuation of this Office Notification No. 5971 (F. No. 203/151/84-ITA.II) dated 10-9-1984, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purpose of clause (ii) of sub-section (1) of section 35 (Thirty five|one|two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :—

(i) That the Kamayani Udyog Kendra Society, Pune will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Society will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.

(iii) That the said Society will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

(iv) That the said Society will apply to Central Board of Direct Taxes, Ministry of Finance, (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

"Kamayani Udyog Kendra Society, 'Kamayani' 1197/64, Shivaji Nagar, Pune-411005".

This Notification is effective for a period from 1-4-1986 to 31-3-1987.

[No. 6991/F. No. 203/133/85-IT-A-II)]

आ. क. 8.—इस कार्यालय की दिनांक 29-5-85 की अधिसूचना सं. 6236 (फा. सं. 203/148/83-आ.क.नि.-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (I) के खंड (III) पैरा 35/एक/तीन/ के प्रयोजनों के लिए संस्था प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

(i) यह कि ठाकुर रिसर्च फाउण्डेशन, नई दिल्ली अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।

(ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों को वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र को एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

(iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड जिन मंत्रालय (राजस्व-विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किस प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

"ठाकुर रिसर्च फाउण्डेशन, नई दिल्ली"

यह अधिसूचना 1-4-1986 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 6990 (फा. सं. 203/175/86-आ.क.नि.-II)]

वाई. के. बत्ता, सचिव

S.O. 8.—In continuation of this Office Notification No. 6236 (F. No. 203/148/83-ITA.II) dated 29-5-85 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of section 35 (Thirty Five|One|Three) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :—

(i) That the Thakur Research Foundation, New Delhi will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance, (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Thakur Research Foundation, New Delhi.

This Notification is effective for a period from 1-4-1986 to 31-3-1988.

[No. 6990 (F. No. 203/175/86-IT-A-ID)]

Y. K. BATRA, Under Secy.

नई दिल्ली, 29 दिसम्बर, 1986

आदेश

का. भा. 9:—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश का. सं. 673/138/86—सी. शु.-8, तारीख 12-9-86 यह निदेश देते हुए जारी किया था कि श्री हरधन दास पुत्र श्री चित्तरंजन दास, निवासी गृह तथा डा. खाना हुआ, जिला 24 पारगना (उत्तर) को निरुद्ध कर लिया जाए तथा प्रेजिडेंसी जेल, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने-ले-जाने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके; और

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक, पश्चिम बंगाल, कलकत्ता के समक्ष हजरि हो।

[का. सं. 673/138/86—सी. शु.-8.]

New Delhi, the 29th December, 1986

ORDERS

S.O. 9.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/138/86-Cus. VIII dated 12-9-1986 under the said sub-section directing that Shri Haradhan Das S/O Shri Chittaranjan Das, VIII. & P. O. Habra, Distt. 24-Parganas (North) be detained and kept in custody in the Presidency Jail, Calcutta with a view to preventing him from engaging in transporting smuggled goods.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Inspector General of Police, West Bengal, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/138/86-Cus. VIII]

का. भा. 10:—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश का. सं. 673/138/86—सी. शु.-8, तारीख 12-9-1986 यह निदेश देते हुए जारी किया था कि श्री देबु साहा, उर्फ देवदास साहा, सुपुत्र श्री नन्द लाल साहा, निवासी डा. बी-9, साल्ट लेक, कलकत्ता-64 को निरुद्ध कर लिया जाए और प्रेजिडेंसी जेल, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके; और

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, कलकत्ता के समक्ष हजरि हो।

[का. सं. 673/138/86—सी. शु.-8]

S.O. 10.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/138/86-Cus. VIII dated 12-9-1986 under the said sub-section directing that Shri Debu Saha @ Debdas Saha S/o Shri Nanda Lal Saha, DB-9, Salt Lake, Calcutta-64 be detained and kept in custody in the Presidency Jail, Calcutta with a view to preventing him from abetting the smuggling of goods.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/138/86-Cus. VIII]

का. भा. 11:—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश का. सं. 673/131/86—सी. शु.-8, तारीख 25-9-1986 यह निदेश देते हुए जारी किया था कि श्री कानकुमो लू, उर्फ के. एल. कान, निवासी 19 बी रिस्टो वाजार स्ट्रीट, प्रथम तल, कमरा नं. 38, कलकत्ता-73 को निरुद्ध कर लिया जाए और प्रेजिडेंसी जेल, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है, या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके; और

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के राजपत्र में प्रकाशन के 7 दिन के अंतर पुलिस आयुक्त, कलकत्ता को समक्ष हजरि हो।

[फा. सं. 673/131/86-सो. गु.-8]

सो. राजन, अवर सचिव

S.O. 11.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/131/86-Cus. VIII dated 25-9-1986 under the said sub-section directing that Shri Kan Kuo Loo @ K. L. Kan, 19-B, Teretty Bazar Street, 1st Floor, Room No. 38, Calcutta-73 be detained and kept in custody in the Presidency Jail, Calcutta with a view to preventing him from smuggling goods and abetting the smuggling of goods.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/131/86-Cus. VIII]

C. RAJAN, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 15 जुलाई, 1986

आयकर

का.प्रा. 12.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और इस संबंध में, सभी पूर्ववर्ती अधिसूचनाओं का अधिलेखन करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा निदेश देता है कि नीचे दी गई अनुसूची के स्तम्भ (1) में विनिर्दिष्ट रेंजों के भारतीय सहायक आयकर आयुक्त, आयकर से निर्धारित उन सभी व्यक्तियों और धार को छोड़कर जिन पर क्षेत्राधिकार आयकर आयुक्त (अपील) में निहित है, अनुसूची के स्तम्भ (2) की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर परिमंडलों, बाडों और जिलों में आयकर से निर्धारित सभी व्यक्तियों तथा धार के संबंध में अपने कार्य करेंगे :—

अनुसूची

मुख्यालय का नाम	आयकर परिमंडल/बाड/जिले
1	2
अपीलीय सहायक आयुक्त, अर्नाकुलम	1. आयकर केन्द्रीय परिमंडल, अर्नाकुलम। 2. आयकर परिमंडल, अर्नाकुलम। 3. आयकर परिमंडल-II, अर्नाकुलम। 4. आयकर परिमंडल, माट्टन चेर। 5. आयकर परिमंडल, अलवाय। 6. संशु. परिमंडल, त्रिचूर। 7. सं.शु. परिमंडल, अर्नाकुलम। 8. आ. क. बेतन परिमंडल, अर्नाकुलम। 9. आ. क. परिमंडल-1, त्रिचूर।

1

3

10. आ. क. परिमंडल-II, त्रिचूर।
11. आ. क. परिमंडल, पालघाट।
12. आ. क. परिमंडल, त्रिचूर।
(हान ही में समाप्त कर दिया गया)
13. गैर आवासीय परिमंडल, कोचीन।

अपीलीय सहायक आयुक्त, कालीकट।

1. आ. क. परिमंडल-I, कालीकट।
2. आ. क. परिमंडल-II, कालीकट।
3. आ. क. केन्द्रीय परिमंडल, कालीकट।
4. आ. क. परिमंडल, केन्नानोर।
5. आ. क. परिमंडल, केसरगोड।

2. जहां कहीं कोई आयकर परिमंडल, बाड, जिला अथवा उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अन्तर्गत कर दिया गया हो, वहां उस आयकर परिमंडल, बाड या जिला अथवा उसके किसी भाग में किए गए कर निर्धारणों से उत्पन्न होने वाली अपीलें इस अधिसूचना की तारीख से तत्काल पूर्व रेंज के उस अपीलीय सहायक आयुक्त के समक्ष विचाराधीन पड़ी अपीलें, जिसके अधिकार क्षेत्र से उक्त आयकर परिमंडल, बाड या जिला अथवा उसका कोई भाग अन्तर्गत किया गया हो, इस अधिसूचना के लागू होने की तारीख से रेंज के उस अपीलीय सहायक आयुक्त को अन्तर्गत की जायेगी और उसके द्वारा निर्यात प्राप्ति और उसके अधिकार क्षेत्र में उक्त परिमंडल, बाड और जिला अथवा उसका कोई भाग अन्तर्गत किया गया है।

यह अधिसूचना दिनांक 15-7-1986 से लागू होगी।

[सं. 6808 (फा.सं. 261/14/86-आ. क. न्या.)]

ए. के. गर्ग, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 15th July, 1986

INCOME-TAX

S. O. 12.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby direct that the Appellate Assistant Commissioner of Income-tax of the Ranges specified in column No. 1 of the Schedule below shall perform their functions in respect of all persons and incomes assessed in Income-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column (2) thereof excluding all persons and incomes assessed to income-tax over which the jurisdiction vests in Commissioner of Income-tax (Appeals).

SCHEDULE

Name of the Head Quarters	Income-tax	Circles/Wards/Districts
1		2
Appellate Assistant Commissioner, Ernakulam.	1. I.T. Central Circle, Ernakulam.	
	2. I. T. Circle-I, Ernakulam.	
	3. I. T. Circle-II, Ernakulam.	
	4. I. T. Circle, Mattancherry.	
	5. I. T. Circle, Alwaye.	
	6. E. D. Circle, Trichur.	
	7. E. D. Circle, Ernakulam.	
	8. I. T. Salary Circle Ernakulam.	

1	2
	9. I. T. Circle-I, Trichur.
	10. I.T. Circle-II, Trichur.
	11. I.T. Circle, Palghat.
	12. I.T. Circle, Trichur (Since abolished)
	13. Non-Resident Circle, Cochin.
Appellate Assistant Commissioner, Calicut.	1. I.T. Circle-I, Calicut.
	2. I.T. Circle-II, Calicut.
	3. I.T. Central Circle, Calicut.
	4. I.T. Circle, Connanore.
	5. I.T. Circle, Kazargod.

2. Whereas an Income-tax Circle/Ward/District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of the assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom the Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this notification takes effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

3. This Notification shall take effect from 15-7-1986.

[No. 6808 (F. No. 261/14/86-ITJ)]

A. K. GARG, Under Secy.

नई दिल्ली, 7 नवम्बर, 1986

आयकर

का. आ. 13.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 का उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में सभी पूर्ववर्ती अधिसूचनाओं का अधिलक्षण करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा निदेश देता है कि नीचे दी गई अनुसूची के स्तम्भ (2) में विनिर्दिष्ट रेंजों के अपीलीय सहायक आयकर आयुक्त, आयकर से निर्धारित उन सभी व्यक्तियों और आय को छोड़कर जो आयकर आयुक्त (अपील) के क्षेत्राधिकार में निहित हैं, उक्त अनुसूची के स्तम्भ (3) को तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर परिमंडलों, बाडों और जिलों में, आयकर से निर्धारित सभी व्यक्तियों और आय को संबंध में अपने कार्य करेंगे।

अनुसूची

क्रम सं.	रेंज	आयकर परिमंडल, बाडें और जिले
1	2	3
1. अपीलीय सहायक आयकर आयुक्त, जबलपुर रेंज, जबलपुर।		1. आ.क. अधिकारी, केन्द्रीय परिमंडल, जबलपुर।
		2. आ.क. अधिकारी, विशेष संपदा शुल्क एवं आयकर परिमंडल, जबलपुर।
		3. सहायक सम्पदा शुल्क निर्याक, जबलपुर।
		4. आ.क. अधिकारी, विशेष जांच परिमंडल-I, जबलपुर।
		5. आयकर अधिकारी, विशेष जांच परिमंडल-II, जबलपुर।
		6. आ.क. अधिकारी विशेष जांच परिमंडल-III, जबलपुर।

1	2	3
		7. आ.क. अधिकारी, क-1 } बाडें, जबलपुर। } भूतपूर्व
		8. आ.क. अधिकारी, क-2 } बाडें, जबलपुर। }
		9. आ.क. अधि., क-बाडें, जबलपुर।
		10. आ.क. अधिकारी, क-बाडें, जबलपुर।
		11. आ.क. अधिकारी, ग-बाडें, जबलपुर।
		12. आ.क. अधिकारी, ख-बाडें, जबलपुर।
		13. आ.क. अधिकारी, छ-बाडें, जबलपुर।
		14. आ.क. अधिकारी, ज-बाडें, जबलपुर।
		15. आ.क. अधिकारी, झ-बाडें, जबलपुर।
		16. आ.क. अधिकारी, ज-बाडें, जबलपुर।
		17. आ.क. परिमंडल, छिन्दवाड़ा।
		18. आ.क. परिमंडल, बालाघाट।
		19. आ.क. परिमंडल, सेवानी।
		20. आ.क. अधिकारी, नरसिंहपुर, जबलपुर।
		21. आ.क. परि., सतना।
		22. आ.क. परि., रोवा।
		23. आ.क. परि., बटनी।
		24. आ.क. परि. छतरपुर।
		25. आ.क. परि., सागर।
		26. आ.क. परिमंडल, दमोह।
2. अपीलीय सहायक आयुक्त, रायपुर रेंज, रायपुर।		1. आ.क. अधिकारी, विशेष जांच परिमंडल, रायपुर।
		2. आ.क. अधि., क-बाडें, रायपुर।
		3. आ.क. अधि., ख-बाडें, रायपुर।
		4. आ.क. अधिकारी, ग-बाडें, रायपुर।
		5. आ.क. अधिकारी, ख-बाडें, रायपुर।
		6. आ.क. परिमंडल, मिलाई
		7. आ.क. परिमंडल, धामसरी
		8. आ.क. परिमंडल, जगदलपुर
		9. आ.क. परिमंडल, राजनंद गांधी
		10. आ.क. परिमंडल, बुरी
		11. आ.क. अधिकारी, छ-बाडें, रायपुर।
		12. आ.क. अधिकारी, ख-बाडें, रायपुर।
		13. आ.क. अधि., छ-बाडें, रायपुर।
		14. आ.क. अधिकारी, सर्वेक्षण परिमंडल, रायपुर।
		15. प्रतिरिक्त आ.क. अधि., क. नि.-III, रायपुर।

1	2	3
		16. प्रतिरिक्त प्रा.क. अधिकारी, क.नि.-4, रायपुर।
		17. आयकर परिमंडल, बिलासपुर।
		18. आयकर परिमंडल, रायपुर।
		19. प्रा.क. अधिकारी, ज-वार्ड, रायपुर।

2. जहाँ कहीं कोई आयकर परिमंडल, वार्ड जिला अथवा उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अन्तर्गत कर विभाजित हो, वहाँ उस आयकर परिमंडल, वार्ड या जिला अथवा उसके किसी भाग में किए गए कर निर्धारणों से उत्पन्न होने वाली अपीलें इस अधिसूचना की तारीख से तत्काल पूर्व रेंज के उस प्रयोक्तीय सहायक आयुक्त के समक्ष विचारार्थ पड़ी अपीलों, जिसके अधिकार क्षेत्र से उक्त आयकर परिमंडल, वार्ड या जिला अथवा उसका कोई भाग अन्तर्गत किया गया हो, इस अधिसूचना के लागू होने की तारीख से रेंज के उस प्रयोक्तीय सहायक आयुक्त को अन्तर्गत की जाएगी और उनके द्वारा निपटारी आयेंगी, जिसके अधिकार क्षेत्र में उक्त परिमंडल, वार्ड और जिला अथवा उसका कोई भाग अन्तर्गत किया गया है।

यह अधिसूचना दिनांक 17-11-86 से लागू होगी।

[मं. 6998 (फा.सं. 261/23/86-प्रा.क. न्या.)]

New Delhi, the 7th November, 1986

INCOME TAX

S.O. 13.—In exercise of the powers conferred by sub-section (1) of Section 122 of the I.T. Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that Appellate Assistant Commissioner of Income-tax of the Ranges specified in Column (2) of the Schedule below, shall perform their functions in respect of all persons and income assessed to Income tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column (3) thereof excluding all persons and incomes assessed to Income-tax over which the jurisdiction vests in Commissioner of Income-tax (Appeals).

SCHEDULE

Sl. No.	Range	Income-tax Circle, Wards & Districts
1. Appellate Assistant Commissioner of Income-tax, Jabalpur Range, Jabalpur.		1. ITO, Central Circle, Jabalpur.
		2. ITO, Special Estate Duty-cum-Income-tax Circles, Jabalpur.
		3. Asstt. Controller of Estate Duty, Jabalpur.
		4. ITO, Special Investigation Circle-I, Jabalpur.
		5. Income-tax Officer, Special Investigation Circle-II, Jabalpur.
		6. ITO, SIC-III, Jabalpur.
		7. ITO, A-I Ward, } Jabalpur. } Erstwhile.
		8. ITO, A-II Ward } Jabalpur } Jabalpur }
		9. ITO, A-Ward, Jabalpur.
		10. ITO, B-Ward, Jabalpur.
		11. ITO, C-Ward, Jabalpur.

1	2	3
		12. ITO, D-Ward, Jabalpur.
		13. ITO, E-Ward, Jabalpur.
		14. ITO, F-Ward, Jabalpur.
		15. ITO, G-Ward, Jabalpur.
		16. ITO, H-Ward, Jabalpur.
		17. Income-tax Circle, Chhindwara.
		18. Income-tax Circle, Balaghat.
		19. Income-tax Circle, Seoni.
		20. ITO, Narsinghpur at Jabalpur.
		21. Income-tax Circle, Satna.
		22. Income-tax Circle, Rewa.
		23. Income-tax Circle, Katni.
		24. Income-tax Circle, Chhatrapur.
		25. Income-tax Circle, Sagar.
		26. Income-tax Circle, Damoh.
2. Appellate Asstt. Commissioner, Raipur Range, Raipur.		1. ITO, Special Investigation Circle, Raipur.
		2. ITO, A-Ward, Raipur.
		3. ITO, B-Ward, Raipur.
		4. ITO, C-Ward, Raipur.
		5. ITO, D-Ward, Raipur.
		6. Income-tax Circle, Bhilai.
		7. Income-tax Circle, Dhamtari.
		8. Income-tax Circle, Jagdalpur.
		9. Income-tax Circle, Rajnandgaon.
		10. Income-tax Circle, Durg.
		11. Income-tax Officer, E-Ward, Raipur.
		12. ITO, F-Ward, Raipur.
		13. ITO, G-Ward, Raipur.
		14. ITO, Survey Circle, Raipur.
		15. Addl. ITO, Asstt. III, Raipur.
		16. Add. ITO, Asstt. V, Raipur.
		17. Income-tax Circle, Bilaspur.
		18. Income-tax Circle, Raigarh.
		19. Income-tax Officer, H-Ward, Raipur.

Whereas the Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range appeals arising out of the assessments made in that Income-tax Circle, Ward or Districts or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of the Range from whom that I.T. Circle, Ward or District of part thereof is transferred, shall from the date of this Notification takes effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This Notification shall take effect from 17-11-86.

[No. 6998 (F. No. 261/23/86-ITJ)]

नई दिल्ली, 20 नवम्बर, 1986

आयकर

का.पा. 14.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों और इस संबंध में इसे सक्षम बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए,

केन्द्रीय प्रत्यक्ष कर बोर्ड अधिसूचित करता है कि दिनांक 25-6-86 को उनकी पूर्ववर्ती अधिसूचना सं. 6777 (फा.सं. 261/17/86-आयकर (न्या.) रद्द कर दी गई है, जिसे जारी किया गया न समझा जाए।

[सं. 7020 (फा.सं. 261/17/86-आयकर न्या.)]

सुरेन्द्र पाल, प्रवर सचिव

New Delhi, the 20th November, 1986

INCOME-TAX

S.O. 14.—In exercise of the powers conferred by sub-section (1) of Section 122 of I.T. Act, 1961 (43 of 1961) and all other powers enabling it in this behalf of the C.B.D.T. notifies cancellation of its earlier notification No. 6277 (F. No. 261/17/86-ITJ) dated 25-6-86, which may be deemed not to have been issued.

[No. 7020(F. No. 261/17/86-ITJ)]

SURENDER PAUL, Under Secy.

नई दिल्ली, 1 नवम्बर, 1986

आयकर

फा.सं. 15.—आयकर अधिनियम, 1961 (1961 का 43) की धारा (2) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड, समय-समय पर यथा संशोधित अपनी दिनांक 20 जुलाई, 1974 की अधिसूचना सं. 679 (फा.सं. 187/2/74-आ.क. (नि.-1) के साथ संलग्न अनुसूची में निम्नलिखित संशोधन करता है :—

2. क्रम सं. 12, 12क तथा 12-ख के सामने स्तम्भ 3 के नीचे की गई वर्तमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ प्रतिस्थापित की जाएँगी :—

आयकर आयुक्त	मुख्यालय	अंशदायिका
1	2	3
क्रम सं.		
12. कर्नाटक-I	बंगलौर	1. कर-निर्धारण रेंज-1, बंगलौर। 2. कम्पनी परिमण्डल-I, बंगलौर। 3. कम्पनी परिमण्डल-II, बंगलौर। 4. कम्पनी परिमण्डल-III, बंगलौर। 5. कम्पनी परिमण्डल-IV, बंगलौर। 6. कम्पनी परिमण्डल-V, बंगलौर। 7. कम्पनी परिमण्डल-VI, बंगलौर। 8. कम्पनी परिमण्डल-VII, बंगलौर। 9. सर्वेक्षण परिमण्डल-I, बंगलौर। 10. सर्वेक्षण परिमण्डल-II, बंगलौर। 11. विदेश अनुभाग, बंगलौर। 12. परिमण्डल-II, बंगलौर। 13. कोलार परिमण्डल, कोलार। 14. परिमण्डल-IV, बंगलौर। 15. परिमण्डल संपदा शुल्क तथा आयकर परिमण्डल, बंगलौर। 16. संपदा शुल्क तथा आयकर परिमण्डल, मंगलूर। 17. संपदा शुल्क तथा आयकर परिमण्डल, हुबर्ली।

1	2	3
12-क. कर्नाटक-II	बंगलौर	1. कर निर्धारण रेंज-II, बंगलौर। 2. फिल्म परिमण्डल, बंगलौर। 3. परिमण्डल-II, बंगलौर। 4. वेंतन परिमण्डल, बंगलौर। 5. ट्रस्ट परिमण्डल, बंगलौर। 6. बागलकोट परिमण्डल, बागलकोट। 7. बेलगांव परिमण्डल, बेलगांव। 8. बीजापुर परिमण्डल, बीजापुर। 9. रायचूर परिमण्डल, रायचूर। 10. गुलबर्गा परिमण्डल, गुलबर्गा। 11. हुबर्ली परिमण्डल, हुबर्ली। 12. होसपेट परिमण्डल, होसपेट। 13. गदाग परिमण्डल, गदाग। 14. धारवाड़ परिमण्डल, धारवाड़। 15. दावणगेरे परिमण्डल, दावणगेरे। 16. चित्रदुर्गा परिमण्डल, चित्रदुर्गा। 17. बेलारी परिमण्डल, बेलारी।
12-ख. कर्नाटक-III	बंगलौर	1. करवाड़ परिमण्डल, करवाड़। 2. मङ्गलूर परिमण्डल, मङ्गलूर। 3. पणजी परिमण्डल, पणजी। 4. विक्रमनगलूर परिमण्डल, विक्रमनगलूर। 5. कूर्ग परिमण्डल, मेरकाश। 6. मंगलूर परिमण्डल, मंगलूर। 7. उडुपी परिमण्डल, उडुपी। 8. परिमण्डल-I, बंगलौर। 9. हसन परिमण्डल, हसन। 10. माण्ड्या परिमण्डल, माण्ड्या। 11. भैसूर परिमण्डल, भैसूर। 12. शिमोगा परिमण्डल, शिमोगा। 13. दुमकुर परिमण्डल, दुमकुर।

यह अधिसूचना दिनांक 1-10-1986 से लागू होगी।

[सं. 6946 (फा.सं. 187/5/86-आ.क. नि. 1)]

के.के. त्रिपाठी, सचिव
केन्द्रीय प्रत्यक्ष कर बोर्ड

New Delhi, the 1st October, 1986

INCOME TAX

S.O. 15.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes makes the following amendments to the Schedule appended to its Notification No. 679 dated 20th July, 1974 (F. No. 187/2/74-IT(AI) as amended from time to time.

2. The existing entries under column 3 against S.No. 12, 12A & 12B shall be substituted by the following entries:—

Commissioner	Headquarters	Jurisdiction
of Income-tax		
(1)	(2)	(3)
Sl.		
No.		
12. Karnataka-I	Bangalore	1. Assessment Range-I, Bangalore. 2. Company Circle-I, Bangalore.

(1)	(2)	(3)	1	2	3
		3. Company Circle-II, Bangalore.			10. Mandya Circle, Mandya.
		4. Company Circle-III, Bangalore.			11. Mysore Circle, Mysore.
		5. Company Circle-IV, Bangalore.			12. Shimoga Circle, Shimoga.
		6. Company Circle-V, Bangalore.			13. Tumkur Circle, Tumkur.
		7. Company Circle-VI, Bangalore.	This Notification shall take effect from 1-10-1986.		
		8. Company Circle-VII, Bangalore.	[No. 6946 (F. No. 187/3/86-IT-A1)]		
		9. Survey Circle-I, Bangalore.	K. K. TRIPATHI, Secy.		
		10. Survey Circle-II, Bangalore.	Central Board of Direct Taxes.		
		11. Foreign Section, Bangalore.	(आर्थिक कार्य विभाग)		
		12. Circle-II, Bangalore.	(बैंकिंग प्रभाग)		
		13. Kolar Circle, Kolar.	नई दिल्ली, 15 दिसम्बर, 1986		
		14. Circle-IV, Bangalore.	का. भा. 16.—बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकरिंग पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10B की उपधारा (1) और (2) के उपबंध रस्ताकर बैंक लिमिटेड, कोल्हापुर पर दिनांक 15 नवम्बर, 1986 से 14 फरवरी, 1987 तक तीन महीने की अवधि के लिये या उक्त बैंक के लिये नियमित पूर्णकालिक अध्यक्ष की नियुक्ति होने तक, इनमें से जो भी पहले हो, लागू नहीं होंगे।		
		15. Estate Duty-cum-Income-tax Circle, Bangalore.	[संख्या 15/9/86—बी. ओ.—III (1)]		
		16. Estate Duty-cum-Income tax Circle, Mangalore.	(Department of Economic Affairs)		
		17. Estate Duty-cum-Income-tax Circle, Hubli.	(Banking Division)		
12A. Karnata- taka-II	Bangalore	1. Assessment Range-II, Bangalore.	New Delhi, the 15th December, 1986		
		2. Film Circle, Bangalore.	S.O. 16.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India, hereby declares that the provisions of Sub-section (1) and (2) of section 10B of the said Act, shall not apply to the Ratnakar Bank Ltd., Kolhapur, for a period of three months from November 15, 1986 to February 14, 1987, or till the appointment of a regular whole time Chairman for the bank, whichever is earlier.		
		3. Circle-III, Bangalore.	[No. 15/9/86-B.O. III(1)]		
		4. Salary Circle, Bangalore.	का. भा. 17.—बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकरिंग पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10 (ब) की उपधारा (9) के उपबंध उस सीमा तक, जहां तक कि बैंक को किसी व्यक्ति को चार महीने से अधिक अवधि के लिये अध्यक्ष नियुक्त करने में छूट प्राप्त है, 14 नवम्बर, 1987 तक रस्ताकर बैंक लिमिटेड, कोल्हापुर पर लागू नहीं होंगे।		
		5. Trust Circle, Bangalore.	[संख्या 15/9/86—बी. ओ.—III (2)]		
		6. Bagalkot Circle, Bagalkot.	S.O. 17.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-section (9) of section 10B of the said Act, shall not, to the extent they preclude the bank from appointing a person to carry out the duties of a Chairman beyond a period exceeding four months, apply to the Ratnakar Bank Ltd., Kolhapur, upto February 14, 1987.		
		7. Belgaum Circle, Belgaum.	[No. 15/9/86-BO. III(2)]		
		8. Bijapur Circle, Bijapur.			
		9. Raichur Circle, Raichur.			
		10. Gulbarga Circle, Gulbarga.			
		11. Hubli Circle, Hubli.			
		12. Hospet Circle, Hospet.			
		13. Gadag Circle, Gadag.			
		14. Dharwar Circle, Dharwar.			
		15. Davangere Circle, Davangere.			
		16. Chitradurga Circle, Chitradurga.			
		17. Bellary Circle, Bellary.			
12B. Karna- taka-II	Bangalore	1. Karwar Circle, Karwar.			
		2. Madgaon Circle, Madgaon.			
		3. Panaji Circle, Panaji.			
		4. Chickmagalur Circle, Chickmagalur.			
		5. Coorg Circle, Mercara.			
		6. Mangalore Circle, Mangalore.			
		7. Udupi Circle, Udupi.			
		8. Circle-I, Bangalore.			
		9. Hassan Circle, Hassan.			

का. प्रा. 18.—बैंकारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ख की उपधारा (1) और (2) के उपबन्ध पहली नवम्बर, 1986 से 31 जनवरी, 1987 तक 3 महीने की अवधि के वास्ते या बैंक के नियमित पूर्णकालिक अध्यक्ष की नियुक्ति होने तक, इन में से जो भी पहले हो, यूनाइटेड वेस्टर्न बैंक लि., सतारा पर लागू नहीं होंगे।

[सं. 15/8/86—बी. प्रो. III (1)]

S.O. 18.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of section 10B of the said Act, shall not apply to the United Western Bank Ltd., Satara for a period of three months from 1st November, 1986 to 31st January, 1987 or till the appointment of a regular whole-time Chairman for that bank, whichever is earlier.

[No. 15/9/86-B.O. III(1)]

का. प्रा. 19.—बैंकारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ख की उपधारा (9) के उपबन्ध यूनाइटेड वेस्टर्न बैंक लि., सतारा पर, उस सीमा तक, जहां तक कि बैंक को अध्यक्ष का कार्य करने के लिए चार महीने से अधिक अवधि के लिए किसी व्यक्ति को नियुक्त करने से छूट प्राप्त है, 31 जनवरी, 1987 तक लागू नहीं होंगे।

[सं. 15/8/86—बी. प्रो. III (2)]

एम. एस. सीतारामन, अवर सचिव

S.O. 19.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-section (9) of section 10B of the said Act, shall not, to the extent they preclude the bank from appointing a person to carry out the duties of a Chairman beyond a period exceeding four months, apply to the United Western Bank Ltd., Satara, upto 31 January, 1987.

[No. 15/8/86-B.O. III(ii)]

M. S. SEETHARAMAN, Under Secy.

संयुक्त मुख्य नियंत्रक आयात-निर्यात

(केन्द्रीय लाइसेंस क्षेत्र)

नई दिल्ली, 13 दिसम्बर, 1986

निरसन आदेश

का. प्रा. 20.—सर्वोच्च वासको इलेक्ट्रॉनिक्स, एफ-14/4, मॉडल टाउन, दिल्ली-9 को ए.टी. रिकार्डर उत्पादन करने के लिए रु. 1,41,695 की राशि का दिनांक 2-5-86 को आयात लाइसेंस सं.-पी/एस/1969650 प्रदान किया गया था।

आवेदनकर्ता ने सूचित किया है कि ए.एम. 86 की अवधि के लिए रु. 1,41,695 के लिए जारी आयात लाइसेंस सं.-पी/एस/1969650 विन. 2-5-86 की सीमाशुल्क प्रयोजन प्रतिलिपि सहायक सीमाशुल्क समाहर्ता (सी डब्ल्यू सी) पालम, नई दिल्ली के कार्यालय में पंजीकृत करवाने के बाद एवं रु. 1,11,243 की राशि को उपयोग किये बिना ही कहीं गुम/अस्थानास्थ हो गई है।

मैं संतुष्ट हूँ कि उल्लेखित लाइसेंस की सीमाशुल्क प्रतिलिपि कहीं गुम/अस्थानास्थ हो गई है।

आयात व्यापार नियंत्रण आदेश 1955 दिनांक 7-12-55 (यथा-संशोधित अधिनियम) की उप धारा-9 (डी) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए लाइसेंस सं.-पी/एस/1969650 वि. 2-5-86 राशि रु. 1,41,695 की सीमाशुल्क प्रतिलिपि निरस्त की जाती है।

[सं.-दिल्ली/सप्ली/207/ए.एम.-86/ए.यू.-1/सी.एल.ए./3455]

Office of the Joint Chief Controller of Imports & Exports
(Central Licensing Area)

New Delhi, the 13th October, 1986

CANCELLATION ORDER

S.O. 20.—M/s. Vasco Electronics, F-14/4, Model Town, Delhi-9 were granted important licence No. P/S/1969650 dt. 2-5-86 for Rs. 1,41,695/- for manufacturing of A.T. recorders etc.

The applicant has reported that Customs Purpose copy of the licence No. P/S/1969650 dt. 2-5-86 for Rs. 1,41,695/- issued for the period of AM86 has been lost/misplaced, after having been registered with the Asstt. Collector of Customs (CWC) Palam, New Delhi, and utilised partly leaving a balance of Rs. 1,11,243/- only.

I am satisfied that the Customs purpose copy of the licence has been lost/misplaced.

In exercise of the powers conferred on me under Sub-clause 9 (d) of the Import Trade Control Order, 1955 dated 7-12-55 as amended upto date, Customs Purpose copy of the licence No. P/S/1969650 dt. 2-5-86 for Rs. 1,41,695/- is hereby cancelled.

[F. No. Delhi/Suppl/207/AM. 86/AU.I/CLA/3455]

नई दिल्ली, 14 नवम्बर, 1986

निरसन आदेश

का. प्रा. 21.—सर्वोच्च किरती प्रिंटर, ए-81, नारायणा इंडस्ट्रियल एरिया, फेज-1 नई दिल्ली को फोटो एल्बम तथा माउंट्स की नकली हेतु 25000/- रु. की राशि के लिए 12-12-85 को आयात लाइसेंस सं.-पी/एस/1969464 प्रदान किया गया था।

आवेदक ने सूचित किया है कि अप्रैल-मार्च 86 की अवधि के लिए जारी 25000/- रुपये की राशि के दिनांक 12-12-85 के लाइसेंस सं. पी/एस/1969464 की मुद्रा विनियम नियंत्रण प्रतिलिपि तथा सीमाशुल्क प्रयोजन प्रतिलिपि किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत किये बगैर तथा बिना उपयोग किए ही कहीं गुम/अस्थानास्थ हो गई है।

मैं संतुष्ट हूँ कि लाइसेंस की दोनों प्रतियां गुम/अस्थानास्थ हो गई हैं।

आयात व्यापार नियंत्रण आदेश 1955 दि. 7-12-85 यथा संशोधित अधिनियम की उपधारा 9(डी) में प्रदत्त शक्तियों का प्रयोग करते हुए, लाइसेंस सं. पी/एस/1969464 दि. 12-11-85 राशि 25000/- रु. की दोनों प्रतियों को निरस्त किया जाता है।

[सं.-दिल्ली/सप्ली/69/ए.एम.-86/ए.यू.-1/सीएलए/3890]

डा. आर. के. धवन,

उप मुख्य नियंत्रक आयात एवं निर्यात
हुते संयुक्त मुख्य नियंत्रक आयात एवं निर्यात

New Delhi, the 14th November, 1986

CANCELLATION ORDER

S.O. 21.—M/s. Kirti Printers, A-81 Naraina Indl. Area, Phase-I, New Delhi were granted import licence No. P/S/1969464 dt. 12-12-85 for Rs. 25,000/- for Embossing of Photo Albums & Mounts.

The applicant has reported that both Exchange Control Copy and Custom Purpose copy of the licence No. P[S] 1969464 dt. 12-12-85 for Rs. 25000 issued for the period of AM-86 has been lost/misplaced without having been registered with any customs authority and utilised at all.

I am satisfied that both the copies of the licence have been lost/misplaced.

In exercise of the powers conferred on me under Sub-Clause 9(d) of the Import Trade Control Order, 1955 dated 7-12-55 as amended upto date, both the copies of the licence No. P[S] 1969464 dt. 12-12-85 for Rs. 25000/- are hereby cancelled.

[File No. Delhi/Suppl.69/AM-86/AU-I/CLA/3890]
DR. R. K. DHAWAN, Dy. Chief Controller of
Imports & Exports
For Jt. Chief Controller of Imports & Exports.

ऊर्जा मंत्रालय (विद्युत विभाग)

नई दिल्ली, 15 दिसम्बर, 1986

का. भा. 22.—भारतीय बिजली अधिनियम, 1910 (1910 का 9) की धारा 36-क की उपधारा 2 (क) के अनुकरण में केन्द्रीय सरकार, केन्द्रीय विद्युत प्राधिकरण के अध्यक्ष, श्री बहादुर चंद की श्री एम. के. सम्भामूर्ति के स्थान पर केन्द्रीय विद्युत बोर्ड का अध्यक्ष नामित करती है।

[संख्या — 25/24/86-डी. (एस. ई. बी.)]

ब्रह्म प्रकाश गुप्त, डेस्क अधिकारी

MINISTRY OF ENERGY

(Department of Power)

New Delhi, the 15th December, 1986

S.O. 22.—In pursuance of Sub-section 2(a) of Section 36A of the Indian Electricity Act, 1910 (9 of 1910), the Central Government is pleased to nominate Shri Bahadur Chand, Chairman, Central Electricity Authority, as Chairman, of the Central Electricity Board vice Shri M. K. Sambamurti.

[No. 25(24)/86-D. (SEB)]
BRAHM P. GUPTA, Desk Officer

पेट्रोलियम और नैवगिक गैस मंत्रालय

नई दिल्ली, 19 दिसम्बर, 1986

शुद्धिपत्र

का. भा. 23.—भारत सरकार के पेट्रोलियम और नैवगिक गैस मंत्रालय के अधिसूचना का. भा. सं. 3524 दिनांक 11-10-86 के संलग्न धनसूची कि राजपत्र क्र. -012016/150/86-पो. एन. मो. बी.—दिनांक 11-10-86 के पृष्ठ क्रमांक 4113 और 4114 पर प्रकाशित हुआ है उसमें नीचे दिये हुई गांव के भूमि संपादन में बदल किया जाता है।

अं. नं. गांव	सन. गट नं.	राजपत्र में छा हुआ क्षेत्रफल	अधिकृत क्षेत्रफल
1. बाघोली	2073	00-50-40	00-05-40
2. चिखली	660	00-18-00	00-13-90

[सं. -12016/150/86-पो. एन. मो. बी. 4]

पी. के. राजगोपालन, डेस्क अधिकारी

जल संसाधन मंत्रालय

नई दिल्ली, 17 दिसम्बर, 1986

का. भा. 24.—बेतवा नदी बोर्ड अधिनियम, 1976 (1976 का 63) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री एम. एल. नादिर, भारतीय सेवा परीक्षा तथा सेवा सेवा, को 21 नवम्बर 1986 की राहून से 3 वर्ष की अवधि के लिए, अथवा अगला आवेक होने तक इनमें से जो भी पहले हो, बित्तिय सलाहकार बेतवा नदी बोर्ड, झांसी के पद पर नियुक्त करती है।

(फ.सं. 10(47)/85-परि. तीन)

के. के. टण्डन, अवर सचिव

MINISTRY OF WATER RESOURCES

New Delhi, the 17th December, 1986

S.O. 24.—In exercise of the powers conferred by sub-section (i) of Section 7 of the Betwa River Board Act, 1976 (63 of 1976), the Central Government hereby appoints Shri M. L. Nadir, IA & AS as Financial Adviser, Betwa River Board, Jhansi from the afternoon of 21st November, 1986 for a period of 3 years of until further orders, whichever is earlier.

[No. 10(47)/85-P. III]

K. K. TANDON, Under Secy.

कृषि मंत्रालय

(कृषि और मत्कारिका विभाग)

नई दिल्ली, 19 दिसम्बर, 1986

का. भा. 25.—इस विभाग की दिनांक 21 अगस्त, 1986 की समसंख्यक अधिसूचना के अनुक्रम और प्राथिक संशोधन में और पशुधन आयात (संशोधन) अधिनियम, 1953 (1953 का अधिनियम 1) द्वारा यथा संशोधित पशुधन आयात अधिनियम, 1893 (1893 का 9) के खंड 2 और उपखंड 3 की धारा (ख) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुये भारत सरकार एतद्वारा स्तन, बेजिरियन, पुर्रान, मोदरनैड और इटली से सूअर, सूअर का गोश्त, सूअर मुट्ठारा मांस और सूअर के अन्य उत्पादों के इन देशों में प्रकोक्त सूअर उबर के प्रकार को ध्यान में रखते हुए इस अधिसूचना के जारी होने के छ महीने की अवधि के लिये भारत में आयात करने पर निषेध लगाती है।

[सं. 50-43/85-एल. डी. टी (ए. व्हा.)]

एस. पी. वर्मा, अवर सचिव,

MINISTRY OF AGRICULTURE

(Department of Agriculture & Cooperation)

New Delhi, the 19th December, 1986

S.O. 25.—In continuation and in partial modification of this Department's notification of even number dated 21st August, 1986 and in exercise of the powers conferred by clause (b) of the section 2 and sub-section 3 of the livestock Importation Act 1898 (9 of 1898) as amended by the Livestock Importation (Amendment) Act, 1953 (Act 1 of 1953) the Government of India hereby prohibits the import into India of Swine, Pork ham, and such other Forcine Products from Spain, Belgium, Portugal, Netherlands and Italy for a period of six months from the issues of this notification, in view of the incidence of African Swine Fever in those countries.

[No. 50-43-85-LDT(AQ)]

S. P. VERMA, Under Secy.

संचार मंत्रालय

दूरसंचार विभाग

नई दिल्ली, 23 दिसंबर, 1986

का.प्रा. 26.—स्थायी प्रादेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने एलायूर टेलीफोन केन्द्र, केरला सकल में दिनांक 16-01-1987 से प्रमाणित वर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-32/86-पीएचबी]

के.पी. शर्मा, सहायक महानिदेशक (पीएचबी)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 23rd December, 1986

S.O. 26.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specified 16-1-1987 as the date on which the Measured Rate System will be introduced in Elathur Telephone Exchange, Kerala Telcom. Circle.

[No. 5—32/86-PHB]

K. P. SHARMA, Asstt. Director General (PHB)

श्रम मंत्रालय

नई दिल्ली, 15 दिसम्बर, 1986

गुडपत्र

का.प्रा. 27.—भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड (ii) में दिनांक 23 मार्च, 1985 को प्रकाशित, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.प्रा. 1276, दिनांक 14 मार्च, 1985 के पृष्ठ 1485 की पंक्ति 11 में—

“रामनाथपुरम” के लिए “कामाराजार” पढ़ा जाये।

[सं. एस-38013/3/85-एस.एस-I]

MINISTRY OF LABOUR

New Delhi, the 15th December, 1986

CORRIGENDUM

S.O. 27.—In the Notification of the Government of India in the Ministry of Labour S.O. 1276, dated the 14th March, 1986, published in the Gazette of India, Part II, section 3, sub-section (ii), dated the 23rd March, 1985 at page 1485 in lines 16 and 17 of the said Notification for “Ramanathapuram” read “Kamarajar”.

[No. S-38013/3/85-SS. I]

नई दिल्ली, 16 दिसम्बर, 1986

का.प्रा. 28.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जनवरी, 1987 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध उड़ीसा राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, यर्थात् :—

“बोलंगीर जिले में सोनपुर टाऊन,

पुलिस स्टेशन, सोनपुर टाऊन

नं. 76।”

[सं. एस-38013/36/86-एस.एस.-I]

New Delhi, the 16th December, 1986

S.O. 28.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st January, 1987 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa, namely :—

“Sonepur Town, Police Station Sonepur Town No. 76 in the District of Bolangir.”

[File No. S-38013/36/86-SS. I]

का.प्रा. 29.—सैसर्स-इन्डियन एलूमिनियम कं. लि., पो.प्रा. सोहारडेगा, जिला रांची (बिहार) (बी.प्रा./936) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिये जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अधिदाय या प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 (जिसे इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुमति है।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा-2क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपावद्ध अनुसूची में विनिर्दिष्ट गतों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्य निधि प्रायुक्त, बिहार को ऐसी विवरणियां भेजना और ऐसे लेखा रखना तथा निरीक्षण के लिए ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समय समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 3क के खण्डक के अधीन समय समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्तरण, निरीक्षण प्रसारों का संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा दिया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी खात आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों का उपलब्ध फायदा बढ़ाये जाने है तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों से समुचित रूप में वृद्धि किये जाने का व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदों से अधिक अनुकूल हों जो उक्त स्कीम स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेय होता जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितों की प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, बिहार के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन में कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहां प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है प्रक्षीण नहीं रह जावे है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदों किसी रीति में कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को व्यपगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यक्तिकर की दशा में उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो, उक्त स्कीम के अन्तर्गत होने वाले बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के सम्बन्ध में नियोजक इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[सं. एस-35014(266)/86-एस.एस.-II]

S.O. 29.—Whereas Messrs Indian Aluminium Company Limited, P.O. Lohardaga, Distt. Ranchi, (Bihar) (BR/936) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And, whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Bihar and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premium, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under the Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Bihar and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reasons, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

का. अ. 30.—समर्थन—हिमालय मशीनरी प्राइवेट लिमिटेड, 608, जी. आई. डी. सी. मकपुरा इण्डस्ट्रियल एरिया, वडोदरा-390010 (जी. जे./10116) (जिसे हमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे हमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिलाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अधिदाय या प्रीमियम का संदाय किये बिना ही भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप महबूब बीमा स्कीम, 1976 (जिसे हमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुजय है।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा-2क द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और हमें उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, गुजरात को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्रिक्त करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संवाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 3-क के खण्ड-क के अधीन समय-समय पर निर्रिक्त करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संवाय, लेखाओं का अन्तरण, निरीक्षण प्रभारों का संवाय आदि भी हैं, होने वाले सभी व्ययों का बहुत नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी वास्तव आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दत्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बहाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों का उपलब्ध फायदों में समुचित रूप में सुनिश्चित किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुजय है।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशिका को प्रतिकर के रूप में दोनों रकमों के अन्तर के अग्रवर्ग रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा, और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़े

की सम्भावना हो, वहां प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को ध्वंग्य हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यतिक्रम की दशा में उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न हो गई होती तो, उक्त स्कीम के अन्तर्गत होते बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के सम्बन्ध में नियोजक इस स्कीम के अधीन होने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्देशितियों/विधिक वारिसों का बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[सं.एस.-35014(267)/86-एस. एस.-II]

S.O. 30.—Whereas Messrs Himalaya Machinery Private Limited, 608-G.I.D.C. Makarpura Industrial Area, Vadodra-390010 (GJ/10416) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient

features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium, the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S.35014(267)/86-SS. II]

का. घा. 31. —मैसर्स जुआट प्लाट कम्पेटी, 2/7, सरत घोस रोड, कलकत्ता-700020 (इम्प्लू. बी./14014) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिये जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिधाय या प्रीमियम का संवाय किये बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निरोध सहव्यवस्था बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभवे हैं।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा-2क द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और इससे उपाबन्ध अनुसूची में निर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के संघी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, कलकत्ता को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निरिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा-17 की उपधारा 3-क के खण्ड-क के अधीन समय-समय पर निरिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्तर्गण, निरीक्षण प्रसारों का संवाय आदि भी है, होने वाले सभी व्ययों का बहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों को एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन को प्रति तथा कर्मचारियों को बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन को भविष्य निधि का पहले हो सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदाय करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुभवे हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संवेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संवेय होता, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशिनी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, कलकत्ता के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहां प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियम तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को ब्यवगत हो जाने बिना जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यतिरिक्त की दशा में उन मृत सदस्यों के नाम निर्देशित या विधिक वारिसों का जो यदि यह छूट न दी गई होती तो, उक्त स्कीम के अंतर्गत होते बोसा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के सम्बन्ध में नियोजक इस स्कीम के अधीन होने वाले किसी सदस्य को मृत्यु होने पर उसका हकदार नाम निर्देशित या विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[एस.-35014(268)/86-एस. एस.-2]

S.O. 31.—Whereas Messrs Joint Plant Committee, 2/7, Sarat Bose Road, Calcutta-700020 (WB/14014) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner West Bengal and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under

the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, West Bengal and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to apply the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased members entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S. 35014 (268)86-SS. II]

पा.भा. : 2.—मैसर्स अलकोवेष्ट मेटल प्राइवेट लिमिटेड, 24-25 हर्बर्ट इंडस्ट्रियल एरिया, जोधपुर 342003 (आर.जे./1135) (जिसे इसमें पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 का 17 (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा 2क के अधीन छूट दिली जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अधिदाय या प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा निगम की समूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निधि सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभूत हैं।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 2क द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए और इससे उपायक अनुसूची में निर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, जोधपुर को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समान समद पर निर्दिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रभावों का प्रत्येक मास को समायित के 15 दिन के भीतर संचालित करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 3क के खण्ड क के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रवासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्तरण, निरीक्षण प्रभावों संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्यता को भाषा में उनको मुख्य बातों पर अनुवाद स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी वास्तव आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदाय करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हो जो उक्त स्कीम के अधीन अनुपेक्षित हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संवेद्य रकम-उस रकम से कम है जो कर्मचारी की उस दशा में संवेद्य होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिवत वारिस/नाम निर्देशितों को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, जयपुर के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहाँ प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना बृद्धि/संशोधन स्वीकार करने का बुद्धिमत्कृत अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाता है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से घट जाते हैं, तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को ब्यवगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के गदाय में किये गये किसी व्यसिधम की दशा में उन मृत मरम्मी के नाम निर्देशितियों या विधिवत वारिसों को जो यदि यह छूट न दी गई होती तो, उक्त स्कीम के अन्तर्गत होते। बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संरक्ष में नियोजक इस स्कीम के अधीन होने वाले किसी सदस्य की मृत्यु होने पर उनके हकदार नाम निर्देशितियों/विधिवत वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर मुनिबद्ध करेगा।

S.O. 32.—Whereas Messrs Alcobex Metal (P) Limited, 24, 25 Heavy Industrial Area, Jodhpur-342002 (India) (RJ/1135) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952) hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees that the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner Rajasthan and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Rajasthan and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the em-

employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to apply the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S. 35014 (269)86-SS. II]

का.भा. 33—मैसर्स ए बी सी पेपर मिल, सैला खुर्द, जिला होशियारपुर (पी.एन/9864) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 का 17) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है (की धारा 17 की उपधारा 2क) के अधीन छूट दिये जाने के लिये आवेदन किया है।

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिदाय या प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप महबूद बीमा स्कीम, 1976) जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभेय हैं।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 2क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपायधन अनुसूच में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है

अनुसूची

1. उक्त स्थापन के संरक्ष में नियोजित प्रादेशिक भविष्य निधि आयुक्त, पंजाब को ऐसी विवरणियाँ भेजना और ऐसे लेखा रखना तथा निरीक्षण के लिए ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समय समय पर निर्दिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रमारों या प्रत्येक भाग की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 2क के खण्ड-क के अधीन समय समय पर निर्दिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिनके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का प्रस्तारण, निरीक्षण प्रमारों संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा दिया जाएगा।

4. नियोजन, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, एवं उक्त संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पढ़ने की सक्षम है, उसके स्थापन में नियोजित किया जाता है तो, नियोजन सामूहिक बीमा स्कीम के सदस्य के रूप में उनका नाम तुरन्त दर्ज करेगा

यों उक्त बात आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को भुगत करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों की उपलब्ध फायदे बढ़ाने जाते हैं तो, नियोजित सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में सम्मिलित रूप से वृद्धि दिये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हो जो उक्त स्कीम के अधीन अनुभेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर उक्त स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेय होता जब वह उक्त स्कीम के अधीन होता था, नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशितों को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, पंजाब के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिहत प्रभाव पड़ने का संभावना हो, वहाँ प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का पत्र लिख-युक्त अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उक्त सामूहिक बीमा स्कीम के, जिसे स्थापन पढ़ते अपना चुका है अधीन नहीं रह जाते हैं या इस स्कीम के अधीन कर्मचारियों को राज्य होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजित उक्त नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को ब्यवगत हो जाने दिया जाता है, तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में दिये गये किंवा व्यतिक्रम की दशा में उन भूत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो, उक्त स्कीम के अन्तर्गत होते। बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संरक्ष में नियोजित इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उनके हितधार नाम निर्देशितियों/विधिक वारिसों को वांछित रकम का संदाय सरलता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एव भास के भीतर सुनिश्चित करेगा।

[एन 35014(270)86-एन. एम. 2]

S.O. 33.—Whereas Messrs ABC Paper Mill Salla Khurd, District Hoshiarpur (Punjab) (PN/9864) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establish-

ment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner Punjab and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Punjab and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S. 35014(270)/86-SS. II]

का.प्र. 34-मैसर्स बेंगलारायन कोजो. सुगर फिल्लि लि., पेरीयसेवलाई-607209 उन्नवरेपेट तालुक, साऊथ एरकोट्ट, तमिलनाडू (टी.एन./17211), (जिन इनमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उन्नवध अधिनियम, 1952 का 17 (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा 2-क के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अधिदाय या प्रीमियम का संदाय किये बिना हो, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनकूल हैं जो कर्मचारी निक्षेप सहवृद्ध बीमा स्कीम, 1976 जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभवे हैं।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा-2क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपायय अनसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, तमिलनाडू को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी मुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समय समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा-17 की उपधारा 3-क के खण्ड-क के अधीन समय समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्तरण, निरीक्षण प्रसारों संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनमोदिन सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापन के सूचना पट्ट पर प्रकाशित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचार भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजन सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी वास्तव आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदाय करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजन सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनकूल हो जो उक्त स्कीम के अधीन अनुभवे हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस वृत्ति में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के सिद्धिक वारिस/नाम निर्देशित

को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, तमिलनाडू के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहाँ प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाता है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रह की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पाविसी को व्ययगत हो जाने दिया जाता है तो, छूट रह की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यतिक्रम की दशा में उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो, उक्त स्कीम के अन्तर्गत होते। बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के सम्बन्ध में नियोजक इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[एस-35014 (271)/86-एस एस-2]

S.O. 34.—Whereas Messrs Chengalrayan Co-operative Mills Limited Periyasevalai-607209, Ulunderpet Taluk South Arcot District, Tamil Nadu (TN/17211) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner Tamil Nadu and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, 1329 G of I/86—4.

submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Tamil Nadu and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Whereas, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S. 35014(271)/86-SS. III]

का.आ. 35:—मैसर्स चरुडिलिया कैमिकल्स लि., एयर इंडिया लिमिटेड, नरिमान पुर्णाट, बम्बई-400021, (एम.एन./11315) और (एम.एन./8666), (जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 का 17 (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) को धारा 17 की उपधारा 2-क के अधीन छूट दिये जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक भविष्य या प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए मे

फायदे उन फायदों से अधिक अनुकूल है जो कर्मचारी नियोजन सहकारी बीमा स्कीम, 1976 (जिसे हमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभूत है।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा-2क द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और इससे उपाययुक्त अनुसूची में निर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, बम्बई को ऐसी विवरणियाँ भेजेंगी और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समय समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15-दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा-17 की उपधारा 3-क के खण्ड-क के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिनके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्तरण, निरीक्षण प्रसारों संदाय प्राप्ति भी है, होने वाले सभी व्ययों का बहान नियोजक द्वारा दिया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उनकी मुख्य बातों का अनुवाद स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजन सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसको बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदाय करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुभूत है।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संवेय रकम उस रकम से कम है जो कर्मचारी की उस दशा में संवेय होता जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशिनी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, बम्बई के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहाँ प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का मुक्तिमुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन न नहीं रह जाता है या इस स्कीम के अधीन कर्मचारियों को

प्राप्त होने वाले फायदे किस रीति से कम हो जाते हैं, तो यह छूट रह की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के अन्तर जो भारतीय जीवन बीमा निगम निश्चित करे, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को व्ययगत हो जाने दिया जाता है तो, छूट रह की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यक्तिक्रम की दशा में उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो, उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व निवारक नर होगा।

12. उक्त स्थापन के सम्बन्ध में नियोजक इस स्कीम के अधीन होने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[एस-35014(272)/86-एस एस-2]

S.O. 35.—Whereas Messrs Herdillia Chemicals Limited, Air India Building, Nariman Point, Bombay-400021 (MH/11315 and MH/8666) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Bombay and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Bombay and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, a fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S. 35014(272)]86-SS.II]

का. द्रा. 36—मैसर्स - गलेक्सो मेथोरेट्रोज (इंडिया) लि., 3109-सो., जो. आई. डी. सी. एस्टेट, एनकनेशवर, गुजरात (जी. जे./9437) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 का 17 (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिये जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अधिवाध या प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निषेध सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभूति हैं।

घट: केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 2क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपायवत् अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, गुजरात को ऐसा विवरणियाँ भेजना और ऐसे लेखा रखना तथा निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करना जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 3क के खंडक के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अंतरण, निरीक्षण प्रसारों संदाय शक्ति भी है, होने वाले सभी व्ययों का बहुत नियोजक द्वारा दिया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है, तो नियोजन सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदाय करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुभूति हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस वक्ता में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नाम निर्दिष्टी को प्रतिफल के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहाँ प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन होने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाता है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियम करे, प्रीमियम का संदाय करने में असमर्थ रहता है और पालिसी को व्ययगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यतिक्रम की वक्ता में उन मृत सदस्यों के नाम निर्दिष्टियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो, उक्त स्कीम के अंतर्गत होते। बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्धारितों विधिक कार्रवाई को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[एस- 35014 (273)/86-एसएस-2]

S.O. 36.—Whereas Messrs Glaxo Laboratories (India) Limited, 3109-C, GIDC Estate, Ankleshwar, Gujarat (MH) 9437) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme).

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner Gujarat and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premium transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner Gujarat and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exempt shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India, shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S. 35014(273)/86-SS.II]

का. द्वा. 37 सैसर्स-के. एस. बी. पम्पस लिमिटेड, पोस्ट-बाम्बोरी, तालुक-राहुरी, जिला अहमदाबाद (एम. एच./15920) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक भविष्य या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निक्षेप सहबद्ध बीमा स्कीम 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुभूत हैं;

इसके केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. द्वा. 336 तारीख 9-12-1982 के अनुसरण में और इससे उपबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 8-1-1986 से तीन वर्ष की अवधि के लिए जिसमें 7-1-1989 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के उस संबंध में नियोजन प्रादेशिक भविष्य निधि कायुक्त महाराष्ट्रा को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निविष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की

धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निरिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय लेखाओं का अंतरण, निरीक्षण प्रसारों का संवाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाए तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसका, मुख्य बातों का अनुवाद, स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत् करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिस से कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुभूत हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस वक्ता में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिवक वारिस/नामनिर्देशिती को प्रतिकर के रूप में दोनों रकमों के अंतर के बराबर रकम का संवाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त महाराष्ट्र के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का मुक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रह की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का संवाय करने में असफल रहता है, और पालिसी को व्यवगत हो जाने दिया जाता है तो छूट रह की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यतिरिक्त की वक्ता में, उन मृत सदस्यों के नामनिर्देशितियों या विधिवक वारिसों को जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अंतर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राजि के हकदार नामनिर्देशिती विधिवक वारिसों को उस राजि का संदाय तत्परता से और प्रत्येक वक्ता में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस - 35014(274)/86 - एस एस-2]

S.O. 37.—Whereas Messrs KSB Punjab Limited Post Vambori Taluka Rahuri, Distt. Ahmednagar (MH/15920) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas the Central Government is satisfied that the employees of the said establishment are without making any separate contribution of payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour S.O. 336 dated the 9-12-1982 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 8-1-1986 upto and inclusive of the 7-1-1989.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner Maharashtra and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premium, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding any thing contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner Maharashtra and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S. 35014(274)/86-SS.II]

का. आ. 38:—मैसर्स कोठारी फैंटो कैमिकल्स (इन्टरनैशनल) नागरी, थनकचियाम पो. आ. 624221, वडी पट्टो, मंडुराई (टो. एन./10578)

(जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है ;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी एक अतिदाय या प्रीमियम का सन्दाय किंवा ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुभूत हैं ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की धारा उपधारा (2क) द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 333 तारीख 9-12-1982 के अनुसरण में और इससे उपाध्व अनुसूच में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन की 8-1-1986 से तीन वर्ष की अवधि के लिए जिसमें 7-1-1989 भी सम्मिलित है, उक्त स्कीम के सभी उपबंधों के प्रवर्तन से छूट देती है।

अनुसूच:

1. उक्त स्थापन के उस संघ में नियोजन प्रादेशिक भविष्य निधि आयुक्त तामिलनाडु को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मान की सामग्री के 15 दिनों के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके प्रवर्तन लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय लेखाओं का अन्तरण, निरीक्षण प्रसारों का सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक केन्द्रीय सरकार द्वारा यथा अनुवीक्षित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों का बहुसंख्यकों को भरा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले है, सवस्थ है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सवस्थ के रूप में उसका नाम सुरक्षित दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों का उपाध्व फायदे बढ़ाये जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित धरा से वृद्धि ली जाने को व्यवस्था करेगा जिसमें के कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपाध्व फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुभूत हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्दाय रकम उक्त रकम से कम है जो कर्मचारी को उस दशा में सन्दाय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्दिष्टों को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्दाय करेगा।

8. सामूहिक स्कीम के उपबंधों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त तामिलनाडु के पूर्ण अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तिानुसृत अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रति से कम हो जाते हैं, तो यह छूट रह का जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा निषत तारीख के भीतर प्रीमियम का सन्दाय करने में असफल रहता है और पालिसी को व्ययगत हो जाने दिया जाता है तो छूट रह का जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यक्तिकरण की दशा में, उन मृत सदस्यों के नामनिर्दिष्टियों या विधिक वारिसों का जो यदि यह, छूट न हो गई होती तो उक्त स्कीम के अंतर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्दिष्टों/विधिक वारिसों को उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[सं. एस-35014/275/86-एनएन-2]

S.O. 38.—Whereas Messrs. Kothari Phytochemicals (International) Nagari, Thankchiyam, P. O. 624221 Vadipatti, Madurai (TN/10578) (herein after referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (herein after referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in en-

joyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of life insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S. O. 333 dated the 9-12-1982 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 8-1-1986 upto and inclusive of the 7-1-1989.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Tamil Nadu and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhance so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding any thing contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Tamil Nadu and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date as given by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014(275)/86-SS. II]

का. आ. 39—मैसर्स बाटलीबोय एंड कंपनी लिमिटेड, एनोके हाउस, छटी मंजिल बी.बी.गांधी मार्ग, मुम्बई-400023 (एम.एच./3449) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है, ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक अभिदाय या प्रीमियम का सन्दाय किए बिना हो, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के यथन जीवन बीमा के रा में जो फायरा उठा रहे हैं, वे ऐसे कर्मचारियों को उन फायरों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुभवे हैं।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 3393 तारीख 2-9-1982 के अनुसरण में और इससे उपरिष्ठ अनुसूचों में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन की 25-9-1985 से तीन वर्ष की अवधि के लिए जिसमें 24-9-1988 की सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूचा

1. उक्त स्थापन के उस संघ में नियोजक प्रादेशिक भविष्य निधि आनुषा महाराष्ट्र को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निदिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारी का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निदिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन, में जिसके घनगत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना बीमा प्रीमियम का सन्दाय लेखाओं का अंतरण, निरीक्षण प्रभारी का सन्दाय आवि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुसूचित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम सुरक्षित दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सप्लाई करेगा।

SCHEDULE

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं, तो नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिस से कि कर्मचारियों को लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उस फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किये जाने वाले हानि, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन समस्त रकम उस रकम से कम है जो कर्मचारी को उस दशा में मिले होती अथवा उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशिनी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्दाय करेगा।

8. सामूहिक स्कीम के उपबंधों में कोई भी संशोधन, प्रावधिक भविष्य निधि आयुक्त महाराष्ट्र के पूर्वे अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहां, प्रावधिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का सुविशुद्ध अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रती से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसी को व्ययगत हो जाने दिया जाता है तो यह छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यक्तिक्रम की दशा में, उन मृत्यु सभ्यों के नामनिर्देशिनी या विधिक वारिसों को जो यदि यह, छूट न हो गई होती, तो उक्त स्कीम के अंतर्गत, होते बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य को मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशिनी/विधिक वारिसों को उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/276/86-एसएस-2]

ए. के. भट्टारאי, अवर सचिव

S.O. 39. Whereas Messrs. Batliboi & Co. Ltd., Apcejay House, 6th Floor, Dr. V. B. Gandhi Marg, Bombay-400023 (MH/3449) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) hereinafter referred to as the said Act.

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of the Life Insurance Corporation of India in the nature of life insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour S.O. 3393 dated the 2-9-1982 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 25-9-1985 upto and inclusive of the 24-9-1988.

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Maharashtra and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhance so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding any thing contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Maharashtra and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014(276)/86-SS. II]

A. K. BHATTARAI, Under Secy.

नई दिल्ली 17, दिसम्बर, 1986

का. भा. 40.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय श्रम विभाग की अधिसूचना संख्या का. भा. 2466 दिनांक 19 जून, 1986 द्वारा सीमेंट उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 19 जून, 1986 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 19 दिसम्बर, 1986 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का. संख्या एस-11017/13/85-डी-1 (ए)]

नन्द लाल, अवर सचिव

New Delhi, the 17th December, 1986

S.O. 40.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2466 dated the 19th June, 1986 the Cement Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 19th June, 1986 ;

And, whereas, the Central Govt. is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 19th December, 1986.

[No. S-11017/13/85-D. I(A)]

NAND LAL, Under Secy.

नई दिल्ली, 18 दिसम्बर, 1986

का. भा. 41.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उत्प्रवास संरक्षी-बम्बई के कार्यालय में श्रम मंत्रालय के अवर सचिव श्री हनु सिंह को 22 दिसम्बर, 1986 से 16 जनवरी, 1987 की अवधि तक उत्प्रवास संरक्षी, बम्बई के समस्त कार्य करने के लिए प्राधिकृत करती है।

[संख्या ए—22012(1)/86—उत्प्रवास-II]

अमित दास गुप्ता, अवर सचिव]

New Delhi, the 18th December, 1986

S.O. 41.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Inder Singh, Under Secretary, Ministry of Labour to perform all functions of Protector of Emigrants-I, in the Office of the Protector of Emigrants, Bombay during the period from 22nd December, 1986 to 16th January, 1987.

[No. A-22012(1)/86-Emig. II]

AMIT DASGUPTA, Under Secy.

1329 GI/86—5

नई दिल्ली, 19 दिसम्बर, 1986

का. भा. 42.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8 दिसम्बर, 1986 को प्राप्त हुआ था।

New Delhi, the 19th December, 1986

S.O. 42.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workmen, which was received by the Central Government on the 8th December, 1986.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 16 of 1986

PARTIES :

Employers in relation to the management of Calcutta
Port Trust, Calcutta

AND

Their Workmen.

PRESENT :

Mr. Justice Amitabha Dutta .. Presiding Officer.

APPEARANCES :

On behalf of the Employer—Mr. D. K. Mukherjee,
Industrial Relations Officer.On behalf of the Workmen—Mr. Ashoke Bhattacharjee,
General Secretary of the Union.

STATE : West Bengal.

INDUSTRY : Port

AWARD

The Government of India in the Ministry of Labour, by their Order No. L-32012/10/82-D. IV(A) dated 6-2-1986 has referred the industrial dispute existing between the employers in relation to the management of Calcutta Port Trust, Calcutta and their workmen in respect of matters specified below to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust in declining to accept the age of Shri Bachha Upadhaya recorded as 12-6-1942 in the Admit Card issued by the Bihar School Examination Board is justified ? If not, to what relief the workman is entitled ?"

2. It is not disputed that Shri Bachha Upadhaya was appointed as Tractor Driver in the service of the Calcutta Port Trust (hereinafter called CPT) on 4-1-1965 and that before his appointment he was examined by the medical officer of the CPT on 11-12-1964.

3. The case of the Calcutta Port Trust Workers Union espousing the cause of the above named workman concerned as pleaded in the written statement may be briefly stated. The medical officer of the CPT was authorised to give the certificate of medical fitness and to record the date of birth of the candidate in the register maintained by the management. Accordingly when the concerned workman appeared before the medical officer he was examined and at the time of examination he produced the Admit Card issued by the Bihar School Examination Board before the medical officer for recording his age correctly. But the medical officer of the CPT did not care to consider the document and recorded the age of the workman concerned as 34 years by looking at his physical appearance. The aforesaid Admit Card was issued by the Bihar School Examination Board in 1957 recording the date of birth of the workman concerned as

12-6-1942 and it is a valid document. The workman concerned came to know that his age was incorrectly recorded in the service register in July, 1974 when he went to the Co-operative Credit Society for a loan. He immediately submitted a petition on 31-7-1974 enclosing therewith an attested copy of the said Admit Card and his school leaving certificate for correcting the record of his age. But the management refused to correct the record without any justification.

4. In the written statement filed by the management after service of a copy of the Union's written statement, it has been alleged that the workman concerned could not submit any documentary evidence in support of his age. He was therefore sent to the CPT's medical officer for assessment of his age along with a G-53 Form at the time of his medical examination prior to his recruitment. The medical officer found him to be of 34 years of age on 11-12-1964 and accordingly endorsed the same on Health Certificate No. 17312 dated 11-12-1964. Thereafter his age was recorded as 34 years in the service sheet maintained by the department concerned and same is now lying untampered. He put his thumb impression on the service sheet containing various particulars about him which included that his age at the time of appointment on 4-1-1965 was 34 years. He did not raise any objection regarding assessment of his age by the medical officer prior to his recruitment and by his own action he accepted the assessment. He also did not raise any dispute regarding his age as recorded, within a reasonable time after his appointment on 4-1-1965. According to the rules in force in the office of the CPT untampered record of age in the service sheet is regarded as conclusive proof of a workman's age. Almost 10 years after his age was recorded the workman concerned made a representation on 31-7-1974 with a request for rectification of his age on the basis of a copy of the Admit Card issued to him in 1957. He however furnished no further reason for his belated claim. In view of this, his prayer could not be acceded to. It is also alleged that the concerned workman did not produce the Admit Card before the medical officer as claimed by the Union. A selected candidate producing documentary evidence in support of his age is never sent to the medical officer for assessment of his age as in that case the candidate is sent to the medical officer for ascertaining his medical fitness only.

5. On the side of the Union, the workman concerned has been examined as WW-1. He has deposed to the effect that before his appointment his name was forwarded by the Employment Exchange and that he was sent to the medical officer of the CPT for examination of his health. According to him there were 21 persons in a row for medical examination and when he showed the Admit Card of the Bihar School Examination Board to the doctor, the latter declined to go through it and asked him to tell his age verbally. WW-1 has further deposed that after his appointment he was asked to put his thumb impression on the service register although he wanted to put his signature, and that he produced his service book called for by the management, which was actually delivered to him only two years ago against written acknowledgement. He has said that he sat for matriculation examination but got plucked and that his date of birth is 12-6-1942. In cross-examination he has denied the suggestion that he was never a student of Jalalpur Bazar Uchhatara Madhyamik Bidyalaya or that he never sat for secondary examination of Bihar Secondary Board or that the Admit Card produced before this Tribunal does not relate to him. It has been elicited in his cross-examination that in July, 1974 he wanted to become a member of Co-operative Credit Society of the CPT and had to fill-up a form and that in that form the head clerk of the office noted his age at the time of entry into service as 34 years.

6. No other witness has been examined on the side of the Union. In support of his case the Union has produced the original Admit Card of Bihar School of Examination Board purporting to show the name of the workman concerned and his father's name and his other particulars and that he was born on 12-6-1942 (Ext. W-5). A duplicate copy of the said Admit Card has been marked Ext. W-5A. The Union has also produced the certificate of transfer issued by Jalalpur Bazar Uchhatara Madhyamik Bidyalaya on 21-6-1974 (Ext. W-4) which purports to show that the workman concerned was student of Class-XI and that his date of birth is 12-6-1942. Reliance has also been placed in an Award of

this Tribunal in Reference No. 50 of 1980 to the effect that the age of one Ganesh Chandra Satpati a Class-IV employee in the chief mechanical engineer's department of the CPT must be determined on the basis of the date of birth as mentioned in his school certificate and not on the strength of the age recorded in the service register relating to him, according to the opinion of the medical officer who had examined him before his appointment (vide xerox copy Ext. W-2). A xerox copy of the Order dated 7-6-1979 by Tarun Kumar Basu J. in Civil Rule No. 16419 of 1975 to the effect that the question of correct age of the petitioner an employee of the CPT was to be determined on merits in terms of his representation in which he claimed that his age was not correctly recorded in his service record and should be rectified on the basis of his school certificate (vide Ext. W-3) has been put in evidence.

7. No oral evidence has been adduced on behalf of the management. Reliance has been placed on the service sheet relating to the workman concerned (Ext. M-1), a xerox copy of his application dated 31-7-1974 (Ext. M-2) in which he prayed for rectification of his age according to the true copy of his school certificate and Admit Card enclosed with his application and correction of the service record accordingly. The management has also got the service book of the workman concerned produced by him and marked an Exhibit on its side as Ext. M-3.

8. It has been submitted by Mr. Bhattacharjee appearing on behalf of the Union that the manner in which the age of the workman concerned was recorded in his service register was faulty; that it is not possible for any medical officer to determine the correct age of a person by merely looking at his appearance as it was done in the case of the concerned workman and that the incorrect age recorded in his service register should be rectified on the basis of the age mentioned in his Admit Card issued by the Bihar School Examination Board and his school leaving certificate issued by the school of which he was a student, his date of birth shown in both the documents being 12-6-1942. On the other hand Mr. Mukherjee appearing on behalf of the management has submitted that as the workman concerned could not produce any documentary evidence of his age, he was sent to the medical officer of the CPT for ascertaining his medical fitness as well as for determining his age; that he put his thumb impression as admitted by him in his evidence on the service sheet in which his age was recorded as 34 years on the basis of the opinion of the medical officer who examined him; that in the service book issued to him in 1969 also the same age was recorded and that he never raised any dispute or objection as to the age recorded in his service register for almost 10 years prior to his application dated 31-7-1974 (Ext. M-2). It has been pointed out that it has been admitted in the written statement of the Union that the medical officer was authorised to record the date of birth of the workman in the register maintained by the management and that the duplicate Admit Card was obtained by the workman concerned on or about 19-6-1974 i.e., a few weeks before he made the application to the CPT authority on 31-7-1974 raising the dispute regarding the recording his age.

9. After considering oral and documentary evidence adduced by the parties and the submissions made on their behalf I find that in this case the issue referred should be answered in favour of the workman concerned. In this case the age of the workman concerned has been recorded in his service sheet (vide Ext. M-1) as on 4-1-1965 i.e., the date of his appointment to be 34 years "approximately". It is not disputed that such recording was done according to the opinion of the medical officer who examined the workman concerned on 11-12-1964 about a month before his appointment. Such opinion was expressed apparently by looking at the appearance of the candidate without any X-ray examination or ossification test after X-ray of the candidate to see the condition of his bones in the relevant parts of his body. The management has not produced the G. 53 Form or the dispensary register maintained by the medical officer recording the result of medical examination of the workman concerned, nor has the management produced the Health Certificate No. 17312 dated 11-12-1964 referred to in its written statement. No administrative rule or circular of the CPT has been furnished before the Tribunal prescribing the manner in which the age of a candidate at the time of entry into the service was to be deter-

mined during the relevant period. There is a good deal of force in the submission made by Mr. Bhattacharjee appearing on behalf of the Union that it is not possible to determine the age of a person correctly by any medical officer after merely looking at his physical appearance. The management has not pleaded in the written statement that the Admt Card or school leaving certificate relied on by the Union on behalf of the workman concerned is a forged or fabricated document. WW-1 has denied the suggestion made on behalf of the management that the said documents do not relate to him. He has explained that the service book bearing the signature of the concerned officer dated 8-7-1969 was actually issued to him about two years ago after taking his written acknowledgement. There is no rebutting evidence on the side of the management. It is quite probable that the workman concerned had taken duplicate copy of the Admit Card for enclosing it with his application for rectification of his age which is dated 31-7-1974 a few weeks before such application was made. So nothing turns on his taking the duplicate copy of the Admit Card in June, 1974. The original Admit Card of Bihar School Examination Board and the school leaving certificate issued by the school of which the workman concerned was a student are in my view better evidence of the date of birth and correct age of the workman concerned than an opinion based on observation of his physical appearance. There is every possibility of wide margin of error in expressing such opinion or acting upon it for determining the age of a person. The delay on the part of the workman concerned in applying for rectification of his age has been largely explained by his evidence on oath and there is no material to controvert such evidence. That apart, there is no question of estoppel against him.

10. In the result, I find that the management of Calcutta Port Trust is not justified in declining to accept the age of the workman concerned on the basis of the date of birth recorded as 12-6-1942 in the Admit Card issued by the Bihar School Examination Board. The management of Calcutta Port Trust is directed to rectify the age of the workman concerned in the service register relating to him according to the said Admit Card and give him all consequential benefits.

11. This is my Award. Let requisite number of copies of the Award be sent to the Central Government for necessary action at their end.

Dated, Calcutta,
25th Day of November, 1986

AMITABHA DUTTA, Presiding Officer
[No. L-32012/10/82-D. IV(A)]
K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 22 दिसम्बर, 1986

का. प्र. 43 :—अर्थात् विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के प्रवृत्तियों में केन्द्रीय सरकार, (1) पंजीकृत श्रमिकों के लिये प्रशासनिक निकाय मद्रास गोदी श्रमिक बोर्ड तथा (2) सूचीबद्ध गोदी श्रमिकों के लिये प्रशासनिक निकाय, मद्रास गोदी श्रमिक बोर्ड के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, प्रवृत्तियों में निम्नलिखित विवाद में माध्यम के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 4 दिसम्बर, 1986 को प्राप्त हुआ था।

New Delhi, the 22nd December, 1986

S.O. 43.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Arbitrator as shown in the Annexure in the industrial dispute between the employers in relation to the managements of Administrative Body for Registered Workers of Madras Dock Labour Board and (2) Administrative Body for Listed Workers of Madras Dock Labour Board and their workmen, which was received by the Central Government on the 4th December, 1986.

ARBITRATION AWARD

In the matter of industrial dispute between Administrative Body for Registered Workers of Madras Dock Labour Board

AND

Administrative Body for Listed Workers of Madras Dock Labour Board.

Vs

Madras Harbour Workers Union, Madras.

AND

Madras Port and Dock Workers Congress, Madras.

The Administrative Bodies of Registered and listed workers respectively of the Madras Dock Labour Board, representing employers on the one hand and the Madras Harbour Workers Union and the Madras Port & Dock Workers Congress representing workmen on the other, entered into an agreement agreeing to refer the following Industrial Dispute to my arbitration, under sec. 10A of the Industrial Disputes Act, 1947.

Specific matter in dispute:

"Whether the Tally Clerks of the Madras Dock Labour Board who have been made eligible for a tonnage piece-rate with effect from 1-10-84, as applicable to the hook gang workers with whom they work, are entitled to the same with retrospective effect from 1-5-83; if so, to what relief, if any, are they entitled and to compute the relief in terms of money, if it could be so computed".

2. This agreement in form C under rule 7 of the Industrial Dispute Central Rules was ordered by the Government of India in the Ministry of Labour to be published in pursuance of sub-section 3 of 10 A of the Industrial Disputes Act, by an order dated 21st March, 1986 (file No. L-33013/1/85-D-IV A).

3. As it was not possible for me to take up the arbitration immediately, the parties agree to extension of time so that I could take up the arbitration in September, 1986 and complete it in time.

4. I have heard both the parties in the matter; at my request, the parties also filed their claim statement under copy to the other side, rejoinders to the claim statements and replies thereto were also filed by the parties under copy to the other side.

5. The matter in dispute is an extremely simple one. The method for regulating payment of incentive earnings to the tally clerks employed under Madras Dock Labour Board and under the Madras Port Trust had been uniform for long years till the settlements entered into in April, 1983 between the Madras Dock Labour Board and its workmen and the Madras Port Trust under its workmen. The system of payment of incentive earnings to the tally clerks was not based on tonnage as was the case with hook gang workers but was at a percentage of the earnings of the hook gang workers and related to accuracy in tally. However, by a settlement entered into between the Madras Port Trust administration and its workmen in April, 1983, this system based on percentage was given up and payment of incentive earnings for tally clerks was also on tonnage basis as in the case of hook gang workers. It would appear that at that time the unions representing workers on the Dock Labour side were unwilling to switch over the tonnage basis but insisted on continuing with the existing basis, namely on percentage. It was represented to me on behalf of the unions that they were unwilling to switch over to the tonnage basis, as, in their discussions earlier with the previous Chairman of the Madras Dock Labour Board, he had indicated that this would not be possible and payment can be made only as a percentage of the hook gang workers piece-rate earnings, the percentage not exceeding 65 for 100 per cent accuracy. It was this firm stand of the Chairman that had led to the unions representing workers in the Dock Labour side not agreeing to the tonnage base. While this may not be the whole story, (as may be seen from the admission that one of the unions wanted to study the effect of change for a period of six months)

there is considerable truth in this contention; in fact, a counter statement filed on behalf of the employers also endorses this, as the following extract would show.

"Though it is not denied that till last settlements i.e. 19-4-1983 between the Dock Labour Board and its workmen and 27-4-1983 settlement between the Madras Port Trust administration and its workmen, all the earlier settlements reached in respect of tally clerks were common to both the Madras Port Trust and Dock Labour Board tally clerks. It is also a fact that prior to 15-10-1979 settlement the unions demanded a tonnage piece rate as for the hook gang workers which was not accepted by the administration and the unions were informed that they will not be made eligible for the same piece rate as per the hook gang workers and would be paid only a lesser percentage and the accuracy in tally would be still insisted. The percentage of hook gang workers piece rate offered was 65 per cent of the earnings of the hook gang workers at 100 per cent accuracy. The unions were not agreeable to this and....."

6. It would also appear from the oral representations made to me by both the parties during my hearing that the employers are not seriously opposed to paying to tally clerks their incentive earnings on the new basis with effect from an earlier date; but, in view of the fact that a settlement had been entered into by the parties in conciliation under section 12(5) of the Industrial Disputes Act and as the Government of India generally frowned on incentive schemes being given retrospective effect, the parties thought it would be a satisfactory method to get this in the form of an award from an arbitrator.

7. I have carefully considered this matter in the light of the submissions made as well as the past practices that were obtaining in this regard both in the Madras Dock Labour Board and in the Madras Port Trust. The need for uniformity of treatment in similar matters both on the Dock Labour Board side and on the Port Trust side is obvious; different systems in respect of the same matter are likely to lead to dissatisfaction, as is evident from the present case. Both the employers and the workers should always try to avoid different patterns in more or less the same situation. In this view, the demand of the workers for making tally clerks eligible with effect from 1-5-83 for the new system of payment of piece rate earning is justified. I therefore hold that the tally clerks of the Madras Dock Labour Board, who have been made eligible for tonnage piece rate with effect from 1-10-84 as applicable to the hook gang workers with whom they work, are entitled to the same with retrospective effect from 1-5-1983.

8. I have been informed by the employers as well as by the Dock Labour Board officials that this retrospective application for a period of 17 months i.e. from 1-5-83 to 30-9-84, will involve an additional payment of about 2.5 lakhs to 3 lakhs of rupees and would cover a total of about 250 tally clerks. The number of tally clerks currently on the rolls is smaller. I do not think it is either necessary or expedient to rework the actual entitlement for each workman for the relevant period, as it would be time-taking and involve additional expenditure by way of over-time payments, etc. In my view, it would be a fair and reasonable proposition to hold that each one of the tally clerks who were on the rolls during the relevant period (1-5-83 to 30-9-84) will be entitled to a lumpsum of Rs. 1000 by way of benefit under this award; where any one of the tally clerks has either due to long absence on leave or due to termination of services or for any other reasons, not been working as tally clerks for the entire period other than earned leave, casual leave and other permitted absence, the payment to him should be reduced proportionately. I decide accordingly.

9. An award is passed in terms of my decision in paras 7 and 8 above.

T. S. SANKARAN, Arbitrator

[No. L-33013/1/85-D.IV(A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 19 दिसम्बर, 1986

का. घा. 44—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत कोकिंग कोल

लि., की गोविन्दपुर क्षेत्र नं. III के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 दिसम्बर, 1986 को प्राप्त हुआ था।

New Delhi, the 19th December, 1986

S.O. 44.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Govindpur Area No. III of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 16th December, 1986.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer

In the matter of industrial disputes under Section 10(1)-(d) of the I.D. Act, 1947.

Ref. No. 27 of 1984

(Ministry's Order No. L-20012(19)/84-D.III(A) dated 30th June, 1984).

PARTIES :

Employers in relation to the management of Govindpur Area No. III of Messrs. Bharat Coking Coal Limited and their workmen.

Ref. No. 31 of 1984

(Ministry's Order No. L-20012(126)/84-D.III(A) dated the 12th July, 1984).

PARTIES :

Employers in relation to the management of Govindpur Colliery of Messrs. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose, Secretary, RCMS Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 8th December, 1986

AWARD

Ref. No. 27 of 1984 and Ref. No. 31/84 have one common question viz. whether the action of the management of Govindpur Area No. III of M/s. B. C. C. Ltd. in promoting junior-most overmen as Senior Overmen by neglecting the Senior Overmen is justified. Besides that there is another point which has to be decided in Ref. No. 31 of 1984 i.e. whether the action of the management of Govindpur Colliery in not giving one advance increment to Shri Sudhir Kumar Banerjee is justified. As one of the main point in both these two references were common, on the request of the parties, the argument was heard together and it was prayed that a common Award may serve the purpose of the parties. Accordingly this award is being passed in respect of both the references namely Ref. No. 27 of 1984 and Ref. No. 31/84.

The Government of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute in respect of the above references vide their above referred orders to this Tribunal for adjudication.

SCHEDULE IN RESPECT OF REF. NO. 27 of 1984

"Whether the action of the management of Govindpur Area No. III of M/s. Bharat Coking Coal Limited in promoting S/Shri D. Singh and O. N. Singh Junior-most overmen is Senior Overmen by neglecting the senior overmen is justified? If not, to what relief S/Shri R. Chouhan, J. N. Tiwari, B. Rout, R. S. Singh, B. N. Prasad and M. Singh Overmen are entitled?"

SCHEDULE IN RESPECT OF REF. NO. 31 of 1984

"Whether the actions of the management of Govindpur Colliery of M/s. Bharat Coking Coal Limited in not giving one advance increment (as per policy decision) and also superseding Shri Sudhir Kumar Banerjee, Overman by junior and less qualified persons as Senior Overman are justified? If not, to what relief the workman is entitled?"

The common case of the workmen of both the references is that the concerned workmen are permanent employees of Govindpur colliery since about the time of take over. They have all passed overmanship examination and since about the same time they are employed as overman. The promotion of overmen is made in the next higher post as Senior overman and the said promotion is made on the basis of seniority amongst the overmen. The management have promoted several overmen to the position of Senior overmen who are juniors to the concerned workmen without assigning any reason and as such the concerned workmen have suffered financially. The concerned workmen are senior in service than Shri D. Singh and O. N. Singh who had superseded the concerned workmen and have been promoted as senior overmen without assigning any reason. On the above plea it has been prayed on behalf of the concerned workmen that the concerned workmen be promoted as Senior Overmen with retrospective effect and consequential benefits.

The case of Shri Sudhir Kumar Banerjee, the concerned workman of Ref. No. 31/84, further is that he passed the overmanship examination on 15-11-1971 and since that time he has been engaged by the management on the duties of overman which is a statutory post. Although he was performing the duties of overman with effect from 15-11-1971 the management started to pay him the time scale of overman only from 1-3-1972. The concerned workman is holding diploma in mines surveying for which he is entitled to receive one extra advance increment within the time scale for his extra qualification as per policy decision of the management of BCCL, but the same has not been given to the concerned workman. It is accordingly prayed that Shri Sudhir Kumar Banerjee be given one advance increment from January, 1979.

The case of the management is that the concerned persons are working as Overman holding the post of supervision and performing the duties of supervision and they are drawing salaries more than Rs. 1000 per month and as such they are not "Workman" within the definition of 'workman' in the industrial disputes Act. The promotion is management's function and it is done to fill up vacancies in the higher post and as there existed vacancies for two posts of Senior overman in Govindpur Area in the year 1983, only two overmen within eligible candidates were promoted to fill up the vacancies so created. There was absolutely no scope for promotion of all the concerned workmen to the then existing post of Senior overman. The departmental promotion committee had considered the case of all the eligible candidates and found the two overmen namely S/Shri D. Singh and O. N. Singh best in the lot and recommended for their promotion and the management accordingly promoted them. The other persons named in the schedule of reference of the two cases were found inferior to Shri D. Singh and O. N. Singh and therefore their names were not recommended for promotion. The duties of overmen are such that their performance depends mostly on their capacities to exercise proper control over the workmen and others working under them and to foresee the impending dangers due to roof fall, gas, water, fire etc. inside the mines and to take suitable steps to ensure safety in the mine. All overmen do not possess equal

personal qualities referred to above and the personal qualities on the basis of performance are evaluated by the controlling officer and recorded in the confidential reports. These confidential reports become the basis of adjudging the competency and suitability of different overmen at the time of consideration for their promotion to the post of senior overman. The seniority of the candidates are also considered along with the suitability of merit by the D.P.C. at the time of consideration for selection for promotion. The promotions were effected according to the recommendation of the D.P.C. The present reference have been made without properly examining the D.P.C. report and on incorrect assumption of facts. On the above plea it is submitted that the concerned workmen are not entitled to be promoted. It is further submitted that there is no ground for giving one extra advance increment to Shri S. K. Banerjee of Ref. No. 31 of 1984.

The common point for determination in both the references is whether the management was justified in superseding the concerned workmen in the promotion of senior overman. Besides that it has also to be determined in Ref. No. 31/84 whether Sudhir Kumar Banerjee is entitled to one advance increment.

In Ref. No. 27 of 1984 the management examined two witnesses and the workmen examined 6 witnesses. In Ref. No. 31 of 1984 the management examined two witnesses and the concerned workmen examined one witness. The management exhibited M-1 to M-5 and the workmen exhibited Ext. W-1 in Ref. No. 27/84 whereas in Ref. No. 31/84 the workmen exhibited documents which were marked Ext. W-1 to W-11 and the management's documents were marked as Ext. M-1 and M-2. It has been submitted on behalf of the parties that the oral evidence and the documents of both the cases be referred for the decision of the cases.

Admittedly, the 6 concerned workmen of Ref. No. 27/84 and one workmen of Ref. No. 31/84 are working as overmen in Govindpur colliery and they have not been promoted as senior overmen. It will appear from the W.S. of the management that they have made out their case on the basis of the recommendation of overmen to the post of Senior overmen by the Departmental Promotion Committee (hereinafter called D.P.C. for brevity). It will appear from para-5 of the W.S. of the management of both the cases that the D.P.C. considering the cases of all the eligible candidates found Shri D. Singh and O. N. Singh best in the lot and recommended for their promotion and accordingly the management promoted them and that the concerned workmen were found inferior to Shri D. Singh and O. N. Singh and therefore their names were not recommended for promotion by the D.P.C. The workmen have taken the specific cases of Shri D. Singh and O. N. Singh to illustrate that although they were juniors to the concerned workmen they were promoted as Senior Overmen superseding the cases of the concerned workmen. The management have examined MW-2 Shri R. Mohan who was a personnel Manager in Govindpur Area from 1981 to 1984. He has stated that the promotion of the overmen to the post of senior overmen was done on the basis of merit-cum-seniority. He was also one of the members of the D.P.C. which was held on 30-1-1982 and the D.P.C. recommendation along with the markings have been marked Ext. M-2 in both the cases. On perusal of Ext. M-2 it appears that the existing strength of overmen at the various collieries of Govindpur Area was 24 but the strength of overmen was finalised to be at 35 by the General Manager in a meeting with INMOSSA representative on 7-12-1981 and thus the next vacancies were 11 in addition to one Shri Barnawalia's case whose case was considered against an anomaly in his case. Accordingly the D.P.C. promoted 12 overmen to the post of Senior overmen and the name of all the 12 promoted persons is stated in Ext. M-2. The workmen have not raised any objection so far the promotions of those 12 persons recommended by the D.P.C. in Ext. M-2 is concerned. The dispute is as to how and why other person were promoted from Overmen to Senior Overman over looking the case of the concerned workmen. MW-2 Shri R. Mohan has stated in his cross-examination that he was one of the members of the D.P.C. held on 30-1-82 and that the D.P.C. had decided the marking system regarding the seniority. MW-1 has stated in his cross-examination that no D.P.C. was held in respect of

the Overmen's and Mining Sirdar after 30-1-82. Thus it is clear that after the recommendation of the names of the 12 overmen for promotion to the post of Senior Overmen on 30-1-82, no other D.P.C. was held for considering the promotion of the overmen to the post of Senior Overmen.

Ext. M-5 marked in Ref. No. 27 of 1984 dated 25-3-83 is an office memo under the signature of Shri R. Mohan, Personnel Manager, Govindpur Area for which it appears that five vacancies of Senior Overmen occurred due to retirement in 1982-83 and that it was decided to fill up those posts of 5 senior overmen from the post of Overmen. Ext. M-4 dated 27-4-83 is another office note under the signature of Shri R. Mohan, Personnel Manager which shows that the matter of promotion to the post of Senior overmen was discussed and approved by the General Manager vide his approval dated 26-3-83 (refers to Ext. M-5 which has the approval of the General Manager dt. 26-3-83) against the vacancies caused by superannuation of senior overmen. It further shows that performance report of the overmen who were kept on the panel list by the last D.P.C. was invited from the concerned collieries and after having received the bio-data and confidential rolls the cases of Shri Arjun Singh, P.C. Chatterjee, Dilwar Singh, C. Pandey and O.N. Singh were being recommended by the Personnel Manager for promotion to the post of Senior Overmen and the General Manager was requested to accord his formal approval in the matter of promotion of the above overmen. It is clear from this office note Ext. M-5 and M-4 of Shri R. Mohan, Personnel Manager, that the five persons named in Ext. M-4 were promoted not on the basis of any recommendation of the D.P.C. but were promoted on the basis of the recommendation of the Personnel Manager Shri R. Mohan. Admittedly the promotion of overmen to the post of Senior overmen is to be done on the basis of the recommendation of the D.P.C. The cadre scheme for mining and supervisory employees which is annexure IV to NCWA-II will show that the promotional channel of mining supervisory personnel shall be as annexure-IV hitherto. The said annexure only indicates qualifications and experience to be possessed by the departmental candidates included in the cadre scheme from time to time for the purpose of eligibility for consideration for selection in connection with promotion to the next higher post. The promotion will however depend on the availability of vacancies from time to time and be subjected to the eligibility for selection of candidates as specified in this scheme. Selection from overman shall be on the basis of seniority-cum-merit while selection of overmen to senior overmen/Head overmen shall be on the basis of merit-cum-seniority. It further provides that selection for candidates for filling the vacancies in higher categories shall be made on the recommendation of the D.P.C. to be constituted by the competent authority or any other officer who may be delegated with such power by him from time to time. It will thus appear that the promotion of an overman to Senior Overman can be made only of his selection by the D.P.C. constituted by the competent authority for that purpose. As admittedly no D.P.C. was constituted after 30-1-82 there can be no valid promotion from Overman to Sr. Overman on the consideration and the recommendation of the Personnel Manager having approval of the General Manager. Entire process of promotion of the five overmen vide Ext. M-4 appears to be a manoeuvre to which the General Manager succumbed by giving his approval. The General Manager either did not understand the entire matter or was a party in the manoeuvre in promoting the five persons named in Ext. M-4. In view of the cadre scheme and provisions of promotion made in it the Personnel Manager had no power to usurp the function of D.P.C.

Ext. M-3 is the office order dated 2/11-5-83 by which Shri Dilwar Singh Overman (D. Singh) has been promoted as Senior Overman with effect from 1-5-83. Shri R. Mohan has stated about the last D.P.C. and the panel of overman prepared by it and it appears from his evidence that Shri D. Singh was also named in the panel of Overman by the D.P.C. but on perusal of the annexure-II to Ext. M-2 it will appear that the D.P.C. had considered the case of 28 workmen only and that the case of Shri D. Singh was not at all considered by the D.P.C. How then could Shri R. Mohan recommend the case of Shri D. Singh for promotion to the post of Sr. Overman when his case was not even considered by the D.P.C. which was held on 30-1-82.

Had the management promoted Sl. No. 12 to Sl. No. 16 of the annexure to Ext. M-2, there could be a point in favour of the management that when the management required five persons to be promoted from Overman to Senior Overman on superannuation of 5 senior overmen, the management has promoted the persons serially as recommended by the D.P.C. as Sl. No. 1 to 11 had already been promoted vide Ext. M-2. But it appears that the management had made its own selection by giving up the names of the concerned workmen Shri K.S. Singh and Bharat Routh who were in Sl. No. 14 and 17 respectively. On reference to Ext. M-4 and the annexure to Ext. M2 it will appear that instead of permitting Sl. No. 12 to 16 the management had promoted Sl. No. 12, 13, 16, 18 and Shri D. Singh who is not in the said list. It will further appear that the order of promotion in Ext. M-4 has not been maintained in accordance with Sl. No. of those persons as given in the annexure to the Ext. M-2.

It is thus clear from the discussions made above that the promotion of 5 persons vide Ext. M-4 had not been made on the basis of the recommendation of the D.P.C. which was a must under the cadre scheme for mining and supervisory employees and as such the said promotion is bad. Secondly, Dilwar Singh who is not even in the list of the persons considered by the D.P.C. has been promoted as Sr. Overman vide Ext. M-4. It further shows that Shri R.S. Singh, Mu. Serajuddin Senior to Sh. O.N. Singh and Bharat Routh who were senior to P.C. Chatterjee and Dilwar Singh have not been promoted.

Considering all the above facts I hold that the promotion of Shri D. Singh and O.N. Singh neglecting some of the overmen who were senior to them is not justified and the promotion of D. Singh and O.N. Singh and three other persons named in Ext. M-4 are vitiated as they had not been promoted on the basis of the recommendation of the D.P.C. Accordingly the action of the management in promoting Shri D. Singh and O.N. Singh as Senior Overman by neglecting some of the concerned workmen who were senior to Shri D. Singh and O.N. Singh is not justified.

The case of Shri Sudhir Kumar Banerjee (concerned workman of Ref. No.31/84) is that he had passed the overman-ship examination on 15-11-71 and thereafter he was performing the duties of overman and that subsequently he passed diploma in mines surveying and is therefore entitled to receive one extra advance increment within the time scale as per policy decision of the management. The management has stated in para-9 of their W.S. that there existed no ground for giving one extra increment to the concerned workman. The concerned workman WW-1 Shri S.K. Banerjee has stated that he passed the mines overman-ship examination and obtained the certificate Ext. W-1 issued on 3-3-72. He has stated that he passed the mines overman-ship examination from the Bhaga Mining Institute and has produced his certificate. Ext. W-2 dated 27-12-78. vide Ext. W-3 dated 27-3-81 the concerned workman had written to the General Manager for the grant of advance increment on the basis of the circular of BCCL dt. 18-12-79. He has given particulars of the said letter. He has stated in this petition that he is entitled to get one increment in his basic pay for acquiring additional qualification of diploma in mining and mines surveying. WW-1 in his evidence has stated that an overman passing the examination of diploma in Mining gets one increment in BCCL. Although WW-1 has stated in his cross-examination that he has filed the circular of 1979 by which one increment was to be given to the diploma holder but actually the said circular had not been filed by him. None of the two witnesses examined on behalf of the management have specifically denied about the said circular by which the concerned workman has claimed one advance increment for obtaining diploma in mining. MW-2 Shri R. Mohan was the Personnel Manager of Govindpur Area has expressed his ignorance whether there was any circular in which BCCL had decided to allow one increment within the grade if an individual holds both overman-ship certificate and minings survey diploma certificate. Thus there is no evidence on behalf of the management to deny the fact asserted by the concerned workman. It will appear that a petition had been filed on behalf of the concerned workman on 1-12-84 calling for certain documents from the management. In the said petition the circular letter issued by the General Manager BCCL dt. 18-12-79 addressed to all General Manager All heads of department were called for along with some

other documents but the management did not file the said circular. A petition dated 6-11-85 was filed by the management in reply to the workmen's petition dated 1-12-84 wherein it was stated by the management that the documents called for by the workmen are not traceable in the office. It has not been denied in this petition that no circular had been issued by the management dt. 18-12-79 which was called for from the management. In view of the fact that the management did not file the circular shows that it has deliberately been suppressed by the management and an adverse inference has to be drawn against the management that they had issued the circular dated 18-12-79 by which the management had agreed to give one increment within the grade if an overman holding the certificate of overmanship certificate also holds the certificate of diploma in mining and mines surveying examination. I hold therefore that Shri Sudhir Kumar Banerjee the concerned workman of Ref. No. 3184 is entitled to one advance increment as per policy decision of the management for obtaining diploma in mining and mines surveying examination

Although in the W.S. of the management an objection has been raised that an overman holds the post of supervisor and draws salary more than Rs. 1000/- per month and as such the concerned workman in both the cases are not workmen within the definition of the I.D. Act. Although this objection was taken by the management in the W.S. no evidence has been adduced before me to show that the case of the concerned workmen is not covered under the definition of "workman" under the I.D. Act. In para-4 of the workmen's rejoinder to the W.S. of the management it is stated that since the concerned workmen are covered under the Wage Board agreement applicable to all workmen of BCCU management, they are not executive and as such they are workmen within the meaning of I.D. Act. As there is no evidence to establish that the concerned workmen are not covered within the definition of "workmen" under the I.D. Act, I hold that the concerned workmen are workmen within the I. D. Act and as such the references are valid.

In the result the management is directed to give one increment to Shri Sudhir Kumar Banerjee the concerned workman of Ref. No. 31 of 1984 from January 1979 for having obtained the extra qualification of diploma in mining and mines surveying examination. It is further held that the action of the management of Govindpur area in promoting Shri D. Singh and O. N. Singh as Senior Overmen by neglecting some of the concerned workmen who were senior to them is not justified and that the promotion of Shri D. Singh and O.N. Singh being illegal, the management is directed to constitute a D.P.C. to consider the promotion of the Overmen to the post of Sr. Overmen in accordance with the criteria as laid down in the cadre scheme for mines and supervisory employees. The cases of only those overmen has to be considered for the promotion of senior overmen who existed in the cadre of overmen in March, 1983.

Dt. 8-12-86

I. N. SINHA, Presiding Officer
[No. L-20012/19/84-D.III (A)]

का. भा. 45:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार भारत कोलिंग कोल लि. की लोहापट्टी कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच प्रबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 दिसम्बर 1986 को प्राप्त हुआ था।

S.O. 45.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, as in the Annexure, in the Industrial Dispute between the employers in relation to the management of Lohapatti Colliery of Messrs Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 10th December, 1986.

(ANNEXURE)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

Shri I. N. Sinha, Presiding Officer.

Reference No. 220 of 1986

In the matter of Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

PARTIES:

Employers in relation to the management of Lohapatti Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES:

On behalf of the employers.—Shri R. S. Murthy, Advocate.

On behalf of the workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal:

Dhanbad, the 4th December, 1986

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/79/86-D.III(A), dated, the 4th October, 1986.

THE SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union for reinstatement of Shri Gujar Goral, Miner/Loader of Lohapatti Colliery of Bharat Coking Coal Limited, who was dismissed from service by the management from 28-11-1984 is justified? If so, to what relief is the workman concerned entitled?"

In this reference the workmen filed their W.S. document etc. Thereafter two adjournments were granted to the management for filing their W.S. etc. The case was then fixed on 28-11-86. On that day Shri R. S. Murthy, Advocate representing the employers filed before me a memorandum of settlement. I have gone through the terms of settlement which appeared to be fair and proper. Accordingly I accept the same and pass an Award in terms of the memorandum of settlement which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer
[No. L-20012/79/86-D.III(A)]

(ANNEXURE)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

In the matter of Ref. No. 220 of 1986

PARTIES:

Employer in relation to the management of Lohapatti Colliery of M/s. Bharat Coking Coal Ltd. (Mohuda Area).

AND

Their workmen.

JOINT COMPROMISE PETITION OF EMPLOYERS AND WORKMEN

The above mentioned employers and their workmen most respectfully beg to submit jointly as follows:

- (1) That the employers and the workmen have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at an over all and amicable settlement.
- (2) That as a result of such negotiations, the employers and the workmen had already come to an

amicable and over all settlement of the matter on the following terms and conditions and that in terms of such terms and conditions the workman concerned Sri Gujar Gorai had already been provided employment by the management w.e.f. 6-6-86 and he has already joined duty accordingly:—

- (a) It was agreed that the management would allow the workman to resume duty in the post of underground miner/loader in Group-VA in the same colliery w.e.f. 6-6-86.
- (b) It was agreed that for the intervening period between the date of termination of the workman concerned earlier and the resumption of his duty from the date mentioned above will be treated as a period of leave without pay and for such intervening period he will not be entitled to any wages or other benefits except the continuity of service for the purpose of gratuity.
- (c) It was agreed that this is an over all settlement in full and final settlement of all the claims of the workmen concerned/Union concerned arising out of the aforesaid reference.
- (3) That both the parties consider that aforesaid agreement is fair just and reasonable to both the parties.

In view of the above, the employers and the workmen jointly pray that the Hon'ble Tribunal may be pleased to give an award in terms of the aforesaid settlement/agreement and dispose off the reference accordingly.

BHAKTU PRASAD MAHATO, Secy.

Bihar Colliery Kamgar Union

For and on Behalf of workmen

Witnesses :

1. Nasir Mia,
Branch Secretary,
BCKU
2. Manbodh Mahato,
Area President,
BCKU,
Mohuda Area.

Y. P. HANDA, General Manager,
Mohuda Area Bharat Coking Coal Ltd.

PO: Mohuda, Distt: Dhanbad

For and on behalf of employers.

RAL S. MURTHY, Advocate
for employers.

Dated: 18-11-86.

Mohuda

Dhanbad.

का. प्रा. 46.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत कोकिंग कोल लि. की लोहापट्टी कोलियरी के प्रबंधक से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, प्रमुख में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 दिसम्बर, 1986 को प्राप्त हुआ हुआ था।

S.O. 46—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, as in the Annexure, in the Industrial Dispute between the employers in relation to the management of Lohapatti Colliery of Messrs Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 10th December, 1986.

(ANNEXURE)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri I. N. Sinha,—Presiding Officer.

Reference No. 245 of 1986

In the matter of Industrial Disputes under Section 10(1)(d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of Lohapatti Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 4th December, 1986

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(82)| 86-D.III(A), dated, the 4th October, 1986.

THE SCHEDULE

"Whether the action of the management of Lohapatti Colliery of M/s. Bharat Coking Coal Limited, P.O. Ramnagar, Dist. Dhanbad in dismissing from service their workman, Shri Bijay Rewari, Miner/loader with effect from 11-1-1985 is justified ? If not, to what relief the workman is entitled ?"

In this reference the workmen filed their W.S. etc. and the management were to file their W.S. etc. Thereafter 28-11-86 was fixed for filing W.S. etc. by the management after granting three adjournments. On that day Shri R. S. Murthy Advocate representing the employers appeared before me and filed a memorandum of settlement. I have seen the terms of settlement contained therein and I find that the terms of settlement are fair and proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the memorandum of settlement which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer
[No. L-20012(82)|86-D.III(A)]

Dated . 4-12-86.

(ANNEXURE)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2 DHANBAD

In the matter of Ref. No. 245 of 1986

PARTIES :

Employers in relation to the Management Lohapatti Colliery of M/s. Bharat Coking Coal Ltd. (Mohuda Area).

AND

Their workmen :

JOINT COMPROMISE PETITION OF EMPLOYERS AND WORKMEN

The above mentioned employers and their workmen most respectfully beg to submit jointly as follows:—

- (1) That the employers and the workman have jointly negotiated the matter covered by the aforesaid Reference with a view to arriving at an over all and amicable settlement.

- (2) That as a result of such negotiations, the employers and the workmen had already come to an amicable and over-all settlement of the matter on the following terms and conditions and that in terms of such terms and condition the workman concerned Sri Bijay Rewani had already been provided employment by the management w.e.f. 6-6-86 and he has already joined duty accordingly:—

- (a) It was agreed that the management would allow the workman to resume duty in the post of underground Miner/Loader in Group-VA in the same colliery w.e.f. 6-6-86.
- (b) It was agreed that for the intervening period between the date of termination of the workman concerned Sri Bijay Rewani earlier and the resumption of his duty from the date mentioned above will be treated as a period of leave without pay and for such intervening period he will not be entitled to any wages or other benefits except the continuity of service for the purpose of gratuity.
- (c) It was agreed that this is an over all settlement in full and final settlement of all the claims of the workman concerned/Union concerned arising out of the aforesaid reference.
- (3) That both the parties considers that aforesaid agreement is fair, just and reasonable to both the parties.

In view of the above, the employers and the workmen jointly pray that the Hon'ble Tribunal may be pleased to give an award in terms of the aforesaid settlement/agreement and dispose off the reference accordingly.

BHAKTU PRASAD MAHATO, Secy.

Bihar Colliery Kamgar Union
for and on behalf of workmen

Witness :

1. Nasir Mia, Nari
Branch Secretary,

BCKU.

2. Manbodh Mahato
Area President
BCKU,
Mohuda Area.

Y. P. HANDA, General Manager,
Mohuda Area PO: Mohuda
(Dhanbad)

for and on behalf of employers
RAL S. MURTHY, Advocate
for employers.

Sd/-

(I. N. SINHA), Presiding Officer

Dated : 18-11-86.
Mohuda, Dhanbad.

का. अ. 47.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत कोकिंग कोल की इंडस्ट्री कोलियरी के पर प्रबंध तंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनुवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 दिसम्बर, 1986 को प्राप्त हुआ था।

S.O. 47.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, as in the Annexure, in the industrial dispute between the employers in relation to the management of Industry Colliery of Messrs Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 10th December, 1986.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

1329 GI/86—6

Reference No. 41 of 1984

Employers in relation to the management of Industry
Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their Workmen

PRESENT :

Shri I. N. Sinha.—Presiding Officer.

APPEARANCES :

For the Employers.—Shri G. Prasad, Advocate, with
Shri D. P. Roy, Manager (O), Industry Colliery
and Shri S. N. P. Sinha, Personnel Manager,
Kusunda Area.

For the Workmen.—Shri D. Mukherjee, Secretary,
Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated, the 2nd December, 1986

AWARD

The present reference arises out of Order No. L-20012 (125)84-D.III (A) dated, the 11th July, 1984, passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

“Whether the action of the management of Industry Colliery of Messrs Bharat Coking Coal Limited, P. O. Dhanbad, Dist. Dhanbad, in putting Shri Jamuna Mandal, Miner on Badli List with effect from 31-10-1983 is justified? If not, to what relief is the workman entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

DI. 21-12-86.

I. N. SINHA, Presiding Officer
[No. L-20012|125|84-D. III(A)]

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1,

DHANBAD.

Ref. 41/84

Employers in relation to the management of Industry
Colliery of M/s. BCCL.

AND

Their Workmen.

Memo of settlement

The humble joint petition on behalf of the parties.
Most respectfully sheweth :—

1. That, the parties to the dispute discussed the matter themselves outside of the Court and have come to an amicable settlement on the following terms and conditions.

Facts of the case

2. That, the Government of India, Ministry of Labour & Rehabilitation, New Delhi, by an order No. L-20012|125|

84-D.III(A) dated 11th July 1984 has referred the instant industrial dispute for an adjudication U/s 10(1)(d) of the Industrial Disputes Act, 1947 hereinafter referred to as the Act, to the Hon'ble Tribunal, as per schedule noted therein.

3. That the workman concerned Sri Jamuna Mandal Miner, had gone on leave for a period of Four days, and he overstayed for more than 10 days beyond the expiry of the leave and, therefore, his name was removed off the rolls, as he was deemed to have lost his lien/abandoned his employment.

4. Terms & condition of settlement.

(1) That the workman concerned Sri Jamuna Mandal Miner, shall be reinstated but without back wages, with effect from 29-11-83 and as a matter of fact he has been working as miner since then and earning wages.

(2) That the workmen concerned shall not be entitled to wages/difference of wages/any other benefits/privileges from the date he absented till he resumed duty on 10-10-84 in badli 29-11-83.

(3) That the period of above from 17-10-83 to 28-11-83 shall be noted as leave without wages.

(4) That, this settles all the disputes between the parties and the workman concerned shall have no claim whatsoever.

(5) That, it was also settled that a copy of this settlement should be filed before the Hon'ble Tribunal and the Tribunal may be requested to pass an award in terms of the settlement.

It is, therefore, prayed that your honour may be graciously pleased to accept the settlement and pass an award in terms of the settlement; and for this act of kindness the parties shall ever pray.

Representing workman.

- 1.
2. (D. Mukjeehar)

Workman L.T.I Singature
Jamuna Mandal

1. Witness
2. Tapan Kumar Kar.

Representing employer
1. Sundt. of Mines
Industry Colliery.
(D. P. Roy)

2. Personnel Manager,
Kusunda Area.
(S.N.P. Sinha)

Sd/-
Lawyer
Sd/-

(Part of the Award)

I. N. SINHA, Presiding Officer

Coking Coal Limited and their workmen, which was received by the Central Government on the 10th December, 1986

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT (NO.1), DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.
Reference No. 43 of 1984

Employers in relation to the management of Industry
Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri I. N. Sinha, Presiding Officer.

APPEARANCES :

For the Employers.—Shri G. Prasad, Advocate, and Shri D. P. Roy, Manager (O), Industry Colliery, and Shri S. N. P. Sinha, Personnel Manager, Kusunda Area.

For the Workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union, Dhanbad.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated, the 2nd December, 1986

AWARD

The present reference arises out of Order No. L-20012 (127)84-D. III(A) dated the 12th July, 1984, passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

“Whether the action of the management of Industry Colliery of M/s. Bharat Coking Coal Limited, P. O. Dhansar, Dist. Dhanbad, in putting Shri Jahur Mia, Prop Mazdoor on ‘badli list’ is justified? If not, to what relief the workman is entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

Dt. 2-12-86

I. N. SINHA, Presiding Officer
[No. L-20012]127/84- D. III(A)]

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1,
DHANBAD
Ref. No. 43/84

Employees in relation to the management of Industry
Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

Memo of settlement

The humble joint petition of compromise on behalf of the parties most respectfully sheweth :—

Facts of the case

1. That the Central Government Ministry of Labour & Rehabilitation, New Delhi has referred the instant industrial

का. आ. 48.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत कोकिंग कोल लि. की इंडस्ट्री कोलियरी के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 दिसम्बर, 1986 को प्राप्त हुआ था।

S.O. 48.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, as in the Annexure. in the industrial dispute between the employers in relation to the management of Industry Colliery of Messrs Bharat

dispute for an adjudication u/s 10(1)(d) of the Industrial Dispute Act, 1947, hereinafter referred to use the Act, to this Hon'ble Tribunal, as per schedule noted therein.

2. That the workman concerned Sri Jahur Mia (Prop Mazdoor) had gone on leave for a period of Four days, and he overstayed for more than 10 days beyond the expiry of leave and, therefore, his name was removed off the roll, as he was deemed to have lost his lien/abandoned his employment.

3. That the parties to the dispute discussed the matter themselves outside the Tribunal and have come to an amicable settlement on the following terms and conditions :—

- (i) That, the workman concerned Sri Jahur Mia (Prop Mazdoor) shall be reinstated, but without back wages with effect from 29-11-83 and as a matter of fact he has already been allowed to resume duty on and from 10-10-84 (in badli 20-11-83) and has been working as a Prop mazdoor since then and earning wages.
- (ii) That the workman concerned shall not be entitled to wages/difference of wages or any other benefits/privileges from the date of his absence till he resumed duty on 10-10-84 and in badli 29-11-83.
- (iii) That, this settles all the disputes between the parties and the workman concerned shall not have claim whatsoever.
- (iv) That the period of absence from 17-10-83 to 28-11-83 shall be treated as leave without wages.
- (v) That it was settled that a copy of this settlement should be filed before the Hon'ble Tribunal, and the Tribunal may be requested to pass an award in terms of the settlement.

It is, therefore, prayed that your honour may be graciously pleased to accept the settlement and pass an award in terms of the settlement and pass an award in terms of the settlement and for this act of kindness the parties shall ever pray.

Representing workmen.

1.

2.

Workman concerned.

1. Sri Jahur Mia

Witnesses---

1. Tapan Kumar Kar.

2. Ram Ashish Prashad.

Lawyer

Representing Employer

1.

2.

LTI(Signature

Part of the Award

Identified by

I. N. SINHA, Presiding Officer

का. आ. 49:—औद्योगिक विवाद अधिनियम, 1947 (1947) का 14 की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत कोकिंग कोल लि. की मुनीदह कोल वाशरी, के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद के केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 दिसम्बर, 1986 को प्राप्त हुआ था।

S.O. 49.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the

Central Government Industrial Tribunal No. 2, Dhanbad as in the Annexure, in the industrial dispute between the employers in relation to the management of Munidih Coal Washery Project, of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 10th December, 1986.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 57 of 1986

In the matter of industrial disputes under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Munidih Coal Washery Project of M/s Bharat Coking Coal Limited and their workmen

APPEARANCES :

On behalf of the workmen—Shri Lali Burman, Vice President, United Coal Workers' Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar. INDUSTRY : Coal Washery.

Dated, Dhanbad, the 28th November, 1986.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-20012(229)85-D.II(A), dated, the 20th January, 1986.

THE SCHEDULE

"Whether the action of the management of Munidih Coal Washery Project of M/s. Bharat Coking Coal Limited, in dismissing the workman, Shri Ganesh Bhuiya, General Mazdoor, is justified? If not, to what relief the workman concerned is entitled?"

The case of the workman is that the concerned workman Ganesh Bhuiya was working as a General Mazdoor in Munidih Coal washery and was a permanent employee. A chargesheet was issued against him dated 29-5-84 by the Project Officer/Agent of Munidih Coal Washery Project for misconduct alleging that he continuously absented from 19-3-84 without permission and without any satisfactory reason for more than 10 days. It was further alleged that he was habitual absenting without previous leave or sufficient cause. The said chargesheet was served on the concerned workman after he return back to join the colliery on 19-6-84. On receipt of the chargesheet the concerned workman submitted his reply to the said chargesheet stating that he could not attend to his duties as his wife was seriously ill and he had to attend her. He also prayed that he may be allowed to

join his duties. The management did not allow him to join his duties and proposed to hold a departmental enquiry into the charges. The departmental enquiry was held on 28-6-84 by Shri D. B. Singh, Dy. P. M. The statement of the concerned workman was not correctly recorded by the enquiry officer and the LTI of the concerned workman was taken on his statement without explaining the contents. After completing the enquiry the enquiry officer submitted his enquiry report holding that the concerned workman was guilty of the misconduct under clause 15(n) and 15(d) of the Model Standing Orders. The enquiry officer held the concerned workman guilty of clause 15(n) on wrong and erroneous interpretation of the said clause. There was no sufficient material on the record of the enquiry to substantiate the misconduct under clause 15(d) of the Standing Orders. The enquiry report was totally vitiated on the basis of which the management had dismissed the concerned workman vide the letter of dismissal dated 31-7-84. The action of the management dismissing the concerned workman from service is wrong and unjustified. It is submitted on behalf of the concerned workman that the concerned workman should be reinstated with full back wages and other benefits.

The case of the management is that the concerned workman absented from his duties without permission or information from 19-3-84. A chargesheet dated 29-5-84 was issued against the concerned workman for the commission of misconduct of absence without permission for more than 10 days. As the concerned workman was not available at the local address, the chargesheet was sent to him by Regd. post with A/D at his permanent home address but the said registered envelope was returned back undelivered. When the chargesheet should not be served on the concerned workman at his local address or at his permanent address, the copies of the chargesheet was displayed on the notice board. A letter dated 22/24-6-84 was issued to the concerned workman fixing the date of enquiry on 7-7-84 in which the name of the enquiry officer was also intimated. When the concerned workman came personally to the colliery, the letter of enquiry was served on him and the enquiry officer issued a letter on 27-6-84 fixing the date of enquiry on 28-6-84 as desired by the concerned workman. The concerned workman submitted his reply to the chargesheet on 27-6-84. A departmental enquiry against the concerned workman was held on 28-6-84 at 10.00 A.M. by the Enquiry Officer in presence of the concerned workman. The concerned workman was given opportunity to take the assistance of a Co-worker which he did not avail. The concerned workman was given full opportunity to cross-examine the management's witnesses and to give his own statement and to produce his own witness in defence. The enquiry officer had conducted the enquiry in accordance with the principles of natural justice. The enquiry officer submitted his report dated 29-6-84 holding the concerned workman guilty of the misconduct against him. The competent authorities considered the enquiry matter and thereafter a decision was taken to dismiss the concerned workman from his services vide letter dated 31-7-84 under the signature of the Agent of the colliery who was the competent authority to dismiss the concerned workman under the Standing Orders. The action of the management in dismissing the concerned workman from service is legal, bonafide

and in accordance with the provisions of the Standing Orders applicable to the establishment. It is deemed by the management that the statement of Ganesh Bhuiya was not correctly recorded or that his LTI was taken without explaining its contents. On the above plea it is submitted that an Award be passed holding that the concerned workman is not entitled to any relief.

Earlier the management had prayed that as the fairness and propriety of the departmental enquiry is being challenged in the W.S. of the concerned workman and as such it first be held as a preliminary issue whether the enquiry was fair/proper and in accordance with the principles of natural justice. Accordingly it was ordered that the fairness of the departmental enquiry be heard first as a preliminary issue. The matter was heard and thereafter by order dated 6-10-86 it was held that the enquiry proceeding was fair, proper and in accordance with the principles of natural justice. Thereafter the case was fixed for hearing on merit.

The point for determination is whether the dismissal of the concerned workman was justified.

The management produced the papers regarding the domestic enquiry and they are marked Ext. M-1 to M-9 in this case.

Ext. M-1 is the chargesheet dated 29-5-84 issued against the concerned workman Ganesh Bhuiya which shows that the allegation against him was that he was absented from his duties since 19-6-84 without any leave, or prior permission and that he was in the habit of absented from his duties for which he had been warned several times. The above charges were alleged to be the misconduct under the Model Standing Orders Clause 15 sub-clause (n) and (d). The said chargesheet was received by the concerned workman and office copy bears the LTI of the concerned workman. It appears that a registered letter intimating about the enquiry was sent to the concerned workman by his village address but the same was returned back. However Ext. M-2 shows that the registered letter dated 29-5-84 was earlier been sent to the concerned workman and explanation was asked for his absence since 19-3-84. When the registered letter dated 29-4-84 was returned back unserved the management pasted the copy of the said letter on the notice board and the next date for enquiry was fixed as 7-7-84 at 10.00 A.M. and Shri B.B. Singh, Dy. P.M. was appointed as an enquiry officer to conduct the enquiry. Ext. M-4 dated 27-6-84 is the letter from the enquiry office copy. It shows that although the date of enquiry the concerned workman had given his LTI on the office copy. It shows that although the date of enquiry was fixed as 7-7-84 the concerned workman himself requested the enquiry officer to hold the enquiry on 28-6-84 at 10.00 A.M. and thereafter the date of enquiry was fixed as 28-6-84. Ext. M-8 is the enquiry proceeding. It appears that on 28-6-84 the concerned workman appeared before the enquiry officer and requested that the enquiry proceeding should be in Hindi and therefore the proceedings has been written in Hindi. It will further appear that the concerned workman refused to have a co-worker to defend his case. The concerned workman stated that he had received the chargesheet and that he had requested on 26-6-84 before the enquiry officer that his enquiry be taken up soon and 28-6-84 be fixed the date of enquiry. Thus it appears that the date of enquiry was

fixed by the enquiry officer as requested by the concerned workman.

The management examined one witness before the enquiry officer, namely, Shri Kirti Kumar, Attendance Clerk. He has stated that the concerned workman was absenting from duty from 19-3-84 in respect of which the witness had reported the matter to the Project Officer on 22-3-84 and 16-5-84 in writing and he produced those reports before the enquiry officer. He had also produced the attendance card before the enquiry officer to show the date from which he was absenting. The concerned workman had only asked one question in the cross-examination of witness Kirti Kumar which was of most formal nature and he declined to further cross-examine him. Thus there is nothing in the cross-examination of the attendance clerk to show that his statement was incorrect. After examining one witness the management closed his case before the enquiry officer and thereafter the concerned workman gave his statement. He has stated in his statement that he was absenting from 19-3-84 from his duty without leave and without permission. Thus the fact of the absence of the concerned workman from 19-3-84 to 26-6-84 is admitted and there is no dispute over the said matter. Thus the concerned workman had absented without leave and permission from 19-3-84 to 26-6-84 which was over 10 days and the same was a misconduct under clause 15(n) of the Model Standing orders.

The concerned workman in his statement before the enquiry officer explained that his family members and he himself were ill and as such he was unable to attend his duties and make application for leave. The concerned workman did not give any reliable evidence to show that he or his family members were in fact ill during the said period. There is also no evidence on the part of the management to falsify the statement of the concerned workman. Onus of course, lies on the workman to satisfactorily explain the absence which he has not been able to fully establish. Thus it appears that the concerned workman had absented for more than 10 days without leave and permission and has not also been able to give satisfactory reason for his absence.

The management's witness Kirti Kumar has stated that in the past also the concerned workman was in the habit of absenting without taking leave and permission from the management. The concerned workman has also given his statement before the Enquiry officer that once in the past he had done such mistake of absenting without leave or permission which was exonerated by the management. He further stated that he be given one more chance to improve himself and that hereafter he would not absent without taking previous leave and permission. The management has produced Ext. M-6 dated 31-10-83 to show that the concerned workman had previously been charged for absenting from duty without leave or permission since 4-10-83. Ext. M-7 dated 18-11-83 is a letter of the Personnel Manager to the concerned workman which shows that on receiving the explanation from the concerned workman to the chargesheet Ext. M-6 dated 31-10-83, the concerned workman was let off and was allowed to resume his duties on his assurance on the production of his medical certificate. The management has not produced any other docu-

ment to show that the concerned workman had absented at any other time without leave or permission. The management's evidence at best shows that once in the past also the concerned workman absented without leave or permission and that he had also produced medical certificate in support of his absence and then he was excused and as such it cannot be said that only on such action of the concerned workman in the past would constitute habitual absence without leave or sufficient cause. In my opinion the charge against the concerned workman under clause 15(d) of the Model Standing Orders that the concerned workman had habitual late attendance and habitual in his absence without leave or without sufficient cause has not been established against the concerned workman.

From the evidence discussed above it will appear that the notice of enquiry had not actually been served earlier at the village address of the concerned workman and it was served only when the concerned workman returned back to the washery to join his duties. The fact that the concerned workman himself came back to join his duties shows that he had no intention of giving up the job and that he was prevented from joining his services for some reasons or the other. The management has been able to show that the concerned workman had absented from duty for more than 10 days without leave or permission and that no satisfactory explanation was given by the concerned workman but to dismiss the concerned workman on the said charge appears to be a very severe punishment and I think the concerned workman will learn a lesson if he is not paid his wages for the period he absented from duty till the passing of the Award. The stoppage of the wages from the period of his absence till the date of the passing of the award will in my opinion, be sufficient punishment to the concerned workman for his absence without leave and I hope he will not absent without leave and permission in future other wise he may have to face a very difficult situation in future and he may lose his job.

In the result, I hold that although one of the charge against the concerned workman had been established, the punishment of dismissal imposed against the concerned workman is, too severe and as such the management is directed to reinstate him within one month from the date of publication of this Award but as a measure of punishment he shall not be entitled to any back wages from the date of his absence till the date of publication of the Award.

This is my Award.

I.N. SINHA, Presiding Officer,
[No. I-20012/229/85-D-III(A)]

का. ५०.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत कोलिंग कोलियरी की लोहा पट्टी कोलियरी के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार और औद्योगिक अधिकरण नं. 2, धनवाद के पचाद की प्रकाशित करती है, जो केन्द्रीय सरकार की 10 दिसम्बर, 1986 को प्राप्त हुआ था।

S.O. 50.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following

award of the Central Government Industrial Tribunal No. 2, Dhanbad, as in the Annexure, in the industrial dispute between the employers in relation to the management of Lohapatti Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 10th December, 1986.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha. Presiding Officer.

REFERENCE NO. 107 OF 1986

In the matter of industrial disputes under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Lohapatti Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the employers.—Shri R. S. Murthy, Advocate.

On behalf of the workmen :—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar INDUSTRY : Coal

Dated, the 3rd December, 1986.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(243)/85-D.III(A), dated, the 19th February, 1986.

SCHEDULE

“Whether the action of the management of Lohapatti Colliery of M/s. Bharat Coking Coal Limited, P. O. Ramnagarh, Distt. Dhanbad in dismissing Shri Mangru Manjhi, Loader from service w.e.f. 21-5-1985 is justified? If not, to what relief the workman is entitled?”

In this reference both the parties filed their respective W.S. documents etc. Thereafter the case proceeded along with its course. Ultimately when the case was fixed on 20-11-86 for hearing both the parties appeared before me and filed a memorandum of settlement. I have gone through the terms of settlement which appears to be fair and proper. I therefore accept the same and pass an Award in terms of the memorandum of settlement which forms part of the Award as annexure.

Dated 3-12-86

I. N. SINHA, Presiding Officer
[No. L-20012(243)/85-D.III(A)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Ref. No. 107 of 1986
PARTIES

Employers in relation to the Management of Lohapatti Colliery of M/s. Bharat Coking Coal Ltd. (Mohuda Area).

AND

Their workmen

JOINT COMPROMISE PETITION OF EMPLOYERS AND WORKMEN

The above mentioned employers and their workmen most respectfully beg to submit jointly as follows :

- (1) That the employers and the workman have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at an over all and amicable settlement.
- (2) That as a result of such negotiations, the employer and the workman had already come to an amicable and overall settlement of the matter on the following terms and conditions and that in terms of such terms and conditions the workman concerned Sri Mangru Manjhi had already been provided employment by the Management w.e.f. 6-6-86 and he has already joined duty accordingly :
 - (a) It was agreed that the management would allow the workman to resume duty in the post of underground miner Loader in Group VA in the same colliery w.e.f. 6-6-86.
 - (b) It was agreed that for the intervening period between the date of termination of the workman concerned earlier and the resumption of his duty from the date mentioned above will be treated as a period of leave without pay and for such intervening period he will not be entitled to any wages or other benefits except the Continuity of service for the purpose of gratuity.
 - (c) It was agreed that this is an overall settlement in full and final settlement of all claims of the workman concerned/union concerned arising out of the aforesaid reference.
- (3) That both the parties consider that aforesaid agreement is fair just and reasonable to both the parties.

In view of the above, the employers and the workmen jointly pray that the Hon'ble Tribunal may be pleased to give an award in terms of the aforesaid

settlement/agreement and dispose of the reference accordingly :—

Sd/-

BHAKTU PRASAD, Secretary,
Bihar Colliery Kamgar Union
for and on behalf of workmen

Witnesses :

1. Nasir Mia,
Branch Secretary
B.C.K.U.
2. Manbodh Mahato,
Area President,
BCKU,
Mohuda Area.

Dated 18-11-86
Mohuda
Dhanbad.

Sd/-

V. P. HANDA
General Manager
Mohuda Area

Bharat Coking Coal Ltd.
PO : Mohuda
Distt : Dhanbad
For and on behalf of employers
(**Ral. S. Murthy**)
Advocate
for Employers.

का.सं. 51.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेंट्रल कोलफील्ड लि. की द्वारा कोलियरी के प्रबंधन में सम्बद्ध नियोजकों और उनके कामकारों के बीच, अन्तर्गत में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 दिसम्बर, 1986 को प्राप्त हुआ था।

S.O. 51.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, as in the Annexure, in the industrial dispute between the employers in relation to the management of Area Colliery of Messrs Central Coalfields Limited and their workmen, which was received by the Central Government on the 10th December, 1986.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT :

Shri I. N. Sinha, Presiding Officer.

REFERENCE NO. 13 OF 1983

In the matter of industrial disputes under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Arra Colliery of Messrs, Central Coalfields Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen.—**Shri S. Bose**, Secretary, R.C.M.S. Union.

On behalf of the employers.—**Shri R. S. Murthy**, Advocate.

STATT : Bihar

INDUSRY : Coal

Dhanbad, dated the 3rd December, 1986

AWARD

The Government of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(357)/82-D.III(A) dated the 24th February, 1983.

SCHEDULE

"Whether the action of the management of Arra Colliery of Messrs Central Coalfields Limited, Post Office Kaju, District Hazaribagh in terminating the services of Shri Raju Munda and Smt. Aitwaria Kamin, Loaders was justified and legal? If not, to what relief are these workmen entitled and from what date."

The case of the workmen is that the concerned workmen Shri Raju Munda and Smt. Aitwaria Kamin were permanent loaders of Arra Colliery. They belong to the scheduled tribe community. They have been subjected to serious discrimination for their ignorance of the formalities of the establishment. The concerned workman could not attend their duties from 10-4-78 and they reported for duty by the end of January, 1979 because of various reasons. The management did not allow them to resume their duties when they reported for their duties. The management had neither issued any notice nor chargesheets against the workmen for misconduct of absents without leave and permission. The management did not allow the workmen to explain the reasons of their absence from their duty. When the union represented the case of the concerned workmen before the management it was replied by the management that the services of the concerned workmen had been terminated for their long absence. Thereafter an industrial dispute was raised before the ALC(C) Hazaribagh. The conciliation failed before the ALC(C) and thereafter on the report of failure of conciliation sent to the Central Government, Ministry of Labour the present reference was made for adjudication. The action of the management in terminating the services of the concerned workmen was arbitrary, illegal and malafide and also an act of unfair labour practice. It is prayed that the concerned workmen be reinstated with full back wages as if they were continuing in their employment throughout.

The case of the management is that the concerned workmen, or his union did not raise any dispute with the management in respect of any demand. The two concerned workmen who were husband and wife working as loaders in Arra Colliery started absents from duty with effect from 10-4-78 without any intimation to the management and without permission or sanction of leave. They did not inform the management about the cause of their absence. Under the standing orders applicable to the workmen continuous absence from duty without permission and without satisfactory cause for more than 10 days is misconduct for which workmen are liable to be dismissed

from service. The management waited for a long time and when the concerned workmen did not turn up they were discharged from service with effect from 1-2-79 on the ground of their continuous absence without permission and thereafter the names of the concerned workmen were removed from the rolls of the colliery. In the facts of the case there was hardly any scope for holding a formal domestic enquiry as the concerned workmen were not traceable. It transpired during the course of conciliation proceeding that the concerned workmen were claiming that they were suffering from T.B. for nearly 2 years due to which they could not attend to their duty. The action of the management in terminating their services on the ground of their unauthorised absence from duty over a long period due to continued ill health was quite justified and legal.

The management prayed that it first be decided as a preliminary issue whether formal domestic enquiry in such cases was necessary and in the event, it is decided that a domestic enquiry was necessary, the management may be given a chance to produce necessary evidence to prove the misconduct of the concerned workmen leading to the termination of their services. Accordingly the matter was heard as a preliminary issue and by order dated 13-6-86 it was decided that the termination of the services of the concerned workmen without holding of domestic enquiry into the charge of misconduct was not in accordance with the law. It was further ordered that the management may lead evidence afresh to justify their action of dismissal of the concerned workmen on the allegation of misconduct and accordingly the management examined one witness to prove the charge of misconduct of the concerned workman. The workmen however did not examine any witness in their defence.

The only point for determination in this case is whether the charge of misconduct of absents for over 10 days without leave or prior information against the concerned workman has been established by cogent evidence in this case.

As already stated above the management has examined one witness. The management has also exhibited two documents Ext. M-1 and M-2 which are the orders of termination of the services of the two concerned workmen vide separate letters dated 1-2-79.

Most of the facts as alleged by the management are almost admitted. It is admitted that both the concerned workmen who were working as permanent loaders in Arra Colliery had absented from their duties from 10-4-1978 till before the termination of their services with effect from 1-2-1979. MW-1 has stated that Model Standing Orders is applicable in Arra Colliery. It will appear from Ext. M-1 and M-1/1 that the services of the concerned workmen were terminated under S.O. 17(1)(n) of the Model Standing Orders. S.O. 17(1)(n) shows that continuous absence without permission and without satisfactory cause for more than 10 days is a misconduct. Admittedly the concerned workmen had not taken any leave or filed any application for leave. It is clear therefore that the concerned workmen had absented for over 10 days without leave or intimation.

The next point to be determined is whether the concerned workmen have been able to show satisfactory cause of their long absence from 10-4-1978

to 1-2-1979. In para-5 of the W.S. of the concerned workman it is stated that they could not attend their duties for various reasons but no reason or cause is disclosed in their W.S. Neither of the concerned workmen nor any other person has been examined in this case to show as to what was the reason for the absence of the two concerned workmen for a period of about 9 months. The onus was on the workmen to satisfactorily establish the cause of their absence and also the reason as to why they did not inform the management regarding the cause of their absence.

MW-1 deals with the leave application in the personnel department of Arra Colliery since 1976. He has stated that the concerned workmen absented from 10-4-1978 and that they had not applied or did not inform the management for leave. He has stated that enquiry was made from the other workers but no information could be obtained and thereafter their services were terminated vide letters Ext. M-1 and M-2. He has stated that the concerned workman did not turn up even after issuance of letters of termination Ext. M-1 and M-2. He has further stated that when a person absents comes to join his duties he has to report in the personnel section but the concerned workmen had never reported to join their duties in the personnel section. It will appear from the evidence of MW-1 that there is a hospital and dispensary in Arra Colliery since long where medicines are given free of cost to the workmen by the doctors and serious patients are referred to Naisarai hospital or at Gandhinagar hospital where also the treatment is given free of cost to the workmen. Of course no cause of absence of the concerned workman has specifically been mentioned in the W.S. It has been tried to be shown by the evidence of the management's witness that had the concerned workmen been ill they could have got free treatment in the hospital of the management and the fact that the concerned workmen did not avail of the said opportunity shows that they were not ill during the period of their absence. Whatever may be the cause of absence of the concerned workmen, it has neither been specifically stated regarding the cause of their absence nor there is any material on the record to establish any sufficient reason for their absence. I hold therefore that the concerned workmen have failed to satisfactorily establish the cause of their long absence. In the above view of the matter I hold that the management has been able to establish that the two concerned workmen had committed misconduct under S.O. 17(1)(n) of the Model Standing Orders by absents continuously without permission or without satisfactory cause for more than 10 days and as such the concerned workmen are entitled to no relief.

In the result, I hold that the action of the management of Arra Colliery of M/s. Central Coalfields Limited, Post Office Kujua, District Hazaribagh, in terminating the services of Shri Raju Munda and Smt. Aitwaria Kamin loaders was justified and legal and consequently the concerned workmen are entitled to no relief.

This is my Award.

Dated : 3-12-1986.

I. N. SINHA, Presiding Officer.
[No. 1-20012/357/82-D, III(A)]
A. V. S. SARMA, Desk Officer.